



Please ask for Rachel Appleyard
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The Chair and Members of Planning
Committee

25 March 2022

Dear Councillor,

Please attend a meeting of the PLANNING COMMITTEE to be held on MONDAY, 4 APRIL 2022 at 1.00 pm in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Apologies for Absence
2. Declarations of Members' and Officers' Interests Relating to Items on the Agenda
3. Minutes of Planning Committee (Pages 3 - 16)
4. Applications for Planning Permission - Plans Determined by the Committee (Pages 17 - 176)
5. Applications for Planning Permission - Plans Determined by the Development Management and Conservation Manager (P140D) (Pages 177 - 192)
6. Applications to Fell or Prune Trees (P620D) (Pages 193 - 200)
7. Appeals Report (P000) (Pages 201 - 216)

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

8. Enforcement Report (P410) (Pages 217 - 220)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

PLANNING COMMITTEE

Monday, 14th March, 2022

Present:-

Councillor Simmons (Vice-Chair in the Chair)

Councillors Bingham Brady Catt Caulfield Davenport	Councillors T Gilby Miles Marriott Borrell G Falconer
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*Matters dealt with under the Delegation Scheme

94 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barr, Callan and D Collins.

95 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

96 MINUTES OF PLANNING COMMITTEE

RESOLVED -

That the Minutes of the meeting of the Planning Committee held on 21 February and 28 February, 2022 be signed by the Chair as a true record.

97 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/21/00703/FUL - EXTENSION, ALTERATIONS AND CHANGE OF USE OF EXISTING MIXED USE RESIDENTIAL/COMMERCIAL

PROPERTY (SUI GENERIS) TO SEPARATE RESIDENTIAL UNIT AND CLASS E HAIR SALON AT 53 HEATON STREET, CHESTERFIELD, DERBYSHIRE, S40 3AF FOR MR MILLS

That consideration of this item be deferred to a future meeting of the Planning Committee.

CHE/21/00448/FUL - CONVERSION OF EXISTING PUB/ CLUB (FORMER CHURCH) TO FORM 9 RESIDENTIAL UNITS AND EXTERNAL LANDSCAPING AT THE SPORTS BAR, ADJACENT 37 HOLYWELL STREET FOR CITY REALTY LTD

That the officer recommendation not be upheld and the application be refused for the following reasons:-

The conversion of the former Chapel will result in residential accommodation in close proximity to existing commercial premises where there is known noise emanating from nearby premises until the early hours of the morning. In addition, the development is located in an area where air quality is of concern. These matters will result in unacceptable adverse amenity impacts to future residents which cannot be suitably mitigated. As such the proposal is considered to be contrary to policy CLP14 of the Adopted Local Plan.

CHE/20/00098/RET - RELOCATION AND RETENTION OF EXISTING NO. 3 STORAGE CONTAINERS AND ADDITION OF A FURTHER 1 NO. STORAGE CONTAINER IN A REVISED LOCATION ON THE APPLICATION SITE (REVISED DESCRIPTION 03/03/2022) AT NORTHERN TEA MERCHANTS, 193 CHATSWORTH ROAD, CHESTERFIELD, DERBYSHIRE, S40 2BA

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be removed and the land restored to its former condition on or before 14th March 2027.
2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

Proposed site location – drawing no. PL03 Rev B – 1:200 @ A3 – dated 02/22

3. Within 3 months of the date of this decision, a scheme for biodiversity and ecological enhancement measures shall be installed/ integrated into the development site. The ecological enhancement measures shall thereafter be retained and maintained throughout the life of the development.

98 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE DEVELOPMENT MANAGEMENT AND CONSERVATION MANAGER (P140D)

*The Development Management and Conservation Manager reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- | | |
|------------------|---|
| CHE/20/00788/FUL | Construction of a new entrance pod, creation of a new second floor within the existing building volume, alterations to existing wall cladding / window fenestration's, creation of new off street car parking with new access onto Carrwood Road and enlargement of the existing car park to create a commercial vehicle turning area within the site curtilage. Revised drawings received 02/02/21, 23/02/21, 05/05/21, 24/05/21, 09/06/21 and 30/11/2021At A Cottam And Co Carrwood Road Chesterfield Trading Estate, Chesterfield S41 9QB for Atlantic Pumps |
| CHE/21/00342/FUL | Rear two storey extension, two storey side extension, two dormer windows to front, rendering of existing dwelling and new canopy to the front, raising of the existing roof, hard surfacing and creation of additional parking to front and new terrace area to the rear.(revised drawings received 16/08/21 and 22/12/21 and description amended 22/12/21) at 157 Church Street North, Old Whittington, Chesterfield S41 9QR for Mr |

Galligan

- CHE/21/00712/FUL Continuation of use of two rooms as dog daycare for 12 dogs originally approved under CHE/19/00435/COU at The Chantry, 39 High Street, Staveley S43 3UU for Mrs Nadia Rogers
- CHE/21/00725/FUL Removal of existing shed and greenhouse and erect new greenhouse at 49 Newbold Back Lane, Chesterfield S40 4HF for Mrs Elaine Smith
- CHE/21/00822/FUL Increase existing roof height by 0.9m for proposed loft conversion, incorporating dormer windows to the front and rear and balcony window to the rear and alter flat roof to pitch roof on existing porch at 82 Church Street North, Old Whittington S41 9QP for Mr Carl Rayner
- CHE/21/00825/FUL Extension to garage and conversion to form study work space (revised drawings submitted 10/12/21) at 53 Windermere Road, Newbold, Chesterfield S41 8DT for Mr Anthony Cresswell
- CHE/21/00859/FUL Single storey extension to rear of property to replace conservatory, enlargement and conversion of existing garage and new garden access and garden store and provision of terrace area for the provision of disability adaptations (revised plans received 15.02.2022 showing privacy screen to northern boundary) at 18 Peak View Road, Brockwell, Chesterfield S40 4NW for Mr and Mrs Peace
- CHE/21/00863/OUT Outline application for a single detached 1.5 storey dwelling, with access off Central Avenue at Land To The Rear 6 Walton Walk, Boythorpe S40 2QQ for Mrs Vikki Hadfield
- CHE/21/00864/FUL Two storey front/side extension and bay window to front at 88 Moorland View Road, Walton, Chesterfield S40 3DF for Mr P Cope

- CHE/21/00883/FUL Re submission of CHE /21/00078/FUL for demolition of existing bungalow and detached garage and erection of a 2 bed bungalow at 4 Woodthorpe Road, Woodthorpe, Chesterfield S43 3BZ for Mr Kevin Hodgetts
- CHE/21/00887/FUL Construction of a new mental health facility and energy centre, associated landscaping, groundworks, parking, and access arrangements.at Chesterfield and North Derbyshire Royal Hospital, Chesterfield Road, Calow S44 5BL for Derbyshire Healthcare NHS Foundation Trust
- CHE/21/00888/FUL Single storey side extension at 10 Stanford Way, Walton S42 7NH for Mr Anthony Frisby
- CHE/21/00891/LBC Listed Building Consent for alterations to convert existing two cottages into one dwelling including new doors and windows, chimney flue and air source heat pump to Coach House.at Newbold Fields House, Dunston Road, Chesterfield S41 9RW for Mr and Mrs Shorter
- CHE/21/00903/ADV 1 illuminated fascia sign and 1 illuminated projecting sign at 35 Holywell Street, Chesterfield S41 7SH for Mr Chris Smith
- CHE/21/00904/FUL Single storey side and rear extension at 175 Handley Road, New Whittington, Chesterfield S43 2EP for Julie Allen
- CHE/21/00905/ADV Illuminated fascia sign at Unit 2, Eastside Park, Eastside Road, Chesterfield S41 9BU for C/O Technical Signs
- CHE/21/00912/FUL Replacement of five first floor and five second floor windows on Rose Hill elevation.at 32 - 36 Rose Hill, Chesterfield S40 1LR for Lloyds Banking Group
- CHE/21/00929/FUL Demolition of existing double garage and erection

of triple garage with side store at 19 Greenways, Walton, Chesterfield S40 3HF for Mr and Mrs Paul Gadsby

- CHE/21/00930/TPO Large Sycamore with split crown at ground level 6 trunks. Request crown pruning of 4m plus removal of horizontal stem obstructing street furniture. Crown pruning requested to remedy blocking of light to the gardens of 30 and 32 plus to aid growth of adjacent Ash (also TPO) at 30 Hillside Drive, Walton S40 2DB for Ms Mary Senneck
- CHE/21/00931/FUL Modification of previous permission of lean-to extension to the rear and proposed further ground floor extension - Amended description 28/02/22 at 30 Manor Avenue, Brimington S43 1NQ for Mrs Viv Swift
- CHE/22/00003/FUL Demolition of existing conservatory and erection of a ground floor rear extension at 22 Rhodes Avenue, Newbold S41 7AY for Mr D Ward
- CHE/22/00012/TPO There is only one tree we are proposing to have work carried out on and it is an ash tree - Ash (T1). We propose the tree has a crown reduction because it is shading our garden and our neighbours' gardens. We also want to ensure the continued health of the tree and that it is safe, and any dead wood is removed at 19 Foxbrook Court, Walton, S40 3SS for Mr Oliver Morison
- CHE/22/00016/TPO T1 - beech tree - to be reduced in height and width by up to 3m creating a better balanced crown. T1 -- beech tree - crown clean and deadwood at 2 Ashleigh Close, Old Whittington S41 9NA for DW Tree Services
- CHE/22/00030/ADV New fascia signage at Unit 218, Sheffield Road, Stonegraves, Chesterfield S41 7JN for Jewson
- CHE/22/00035/TPO Large Lime Tree at front of property: Crown Lift to five metres. Thin crown by 20% cleaning out

epicormic growth. Remove problem deadwood.

Very Large Oak tree at the front of property:
Reduce lower portion of south-east facing canopy to clear away from structures by 3 metres. Crown lift to 5 metres by removing lower branches up to 100mm in diameter. Reduce two large lower limbs over driveways by up to 3 metres to improve light into properties. Remove problem deadwood at 23 Gladstone Road, Chesterfield S40 4TE for Mr Ed Mollon

CHE/22/00060/TPO

Weeping Ash - Tree located within grounds of Children First Day Nursery. Currently exhibiting symptoms consistent with minor infection of ash dieback (approximately 10%): undersized leaves in upper crown & discoloured shoots throughout. At time of inspection approximately half the crown has green leaves still attached, whilst the other half has completely shed leaves (i.e. abscised without colour change). No lesions evident, although clustered drooping form makes observation difficult. Large open cavity at approximately 3m at scaffold union. Deadwood removed (2020). - Reduce crown by approximately 1-2m, extent informed by aerial inspection. Remove deadwood 2 x Horse chestnuts - Two chestnuts immediately behind cabin both appear in reduced physiological condition, with evidence of historic ground works (smaller tree: historic failure of central leader; larger: stem exudation). - Fell to ground level at Chesterfield And North Derbyshire Royal Hospital At Chesterfield Road, Calow S44 5BL for Emma Morten

CHE/22/00064/TPO

Crown Thin, crown lift 4 metres, pruning back to suitable replacement branches.at 17 Hucknall Avenue, Loundsley Green, Chesterfield S40 4BY for Mrs Linda Riley

CHE/22/00097/TPO

LA notice due to trees blocking light column,

cutback 1 no sycamore to clear light column by 1.5m. at Tesco Express, High Street, Old Whittington, Chesterfield S41 9LQ for Tesco Express

CHE/22/00108/TPO

Application to fell tree T2 beech tree (*Fagus sylvatica*) at 3 Ashleigh Close, Old Whittington, Derbyshire S41 9NA for Mr Neil Smith

(b) Refusals

CHE/21/00460/NMA

Non material amendment to CHE/20/00441/FUL (Single storey rear extension and detached annex for dependant relative) to amend the size of the rear extension at 171 Boythorpe Road, Boythorpe Chesterfield S40 2NB for Mr & Mrs Dowson

CHE/21/00642/FUL

Proposed new spa with outdoor pools within disused garden area at Ringwood Hall, Ringwood Road, Brimington S43 1DQ for Charan Chauhan

CHE/21/00759/FUL

Two storey side extension and single storey rear extension at 107 Windermere Road, Newbold S41 8DS for Mr Schofield

CHE/21/00928/PNC

Prior notification for change of use to dwelling at 1A - 1B South Street North, New Whittington S43 2AA for Baxters Retail Stores Ltd

CHE/22/00055/DOC

Discharge of conditions 3 (external materials), 6 (Hard/soft landscaping), 8 (drainage details), 9 (site investigation reports), 13 (Bat Box Location) of CHE/18/00767/FUL - Proposed self-build dormer bungalow with drive for on-site car parking Bamford Road, Inkersall for Mr Simon Whittam

(c) Discharge of Planning Condition

CHE/21/00698/DOC

Discharge of conditions 9 (bin storage) 11 (lighting), 13 (retaining wall), 21 (sub station details), 23 (hard and soft landscaping) and 24 (kerbs and levels) of CHE/21/00424/DOC of

CHE/20/00695/FUL - New warehouse unit with trade counter, staff facilities, external materials yard, surface car parking for staff and customers, new vehicular entrances onto highway and the provision of a substation with associated works. (Amended information received 18.11.2021) at Development Land Opposite Hazlehurst Avenue Stonegravels, Chesterfield for Pick Everard

CHE/21/00869/DOC Discharge of conditions 6 and 18 of approved planning consent CHE/20/00305/FUL to updated street lighting design to reflect arrangement amended during S38 process at Land South Of Walton Hospital, Harehill Road, Grangewood for Vistry Partnerships

CHE/22/00020/DOC Discharge of condition 11 of CHE/18/00672/FUL at Holywell Cross Car Park, Holywell Street, Chesterfield for Robert Woodhead Ltd

CHE/22/00022/DOC Discharge of condition 18 (street lighting) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space at Land South of Walton Hospital, Harehill Road, Grangewood for Modus Partnerships Limited

(d) Partial Discharge of Conditions

CHE/21/00894/DOC Discharge of planning conditions 6 (hard and soft landscaping), 12 (external materials) and 28 (water calculations) of CHE/20/00305/FUL - Erection of new residential dwellings at the sites off Whitecotes Lane and Harehill Road with associated access, parking and open space at Land South of Walton Hospital, Harehill Road, Grangewood for Modus Partnerships Limited

(e) Conditional Consent for Non-Material Amendment

CHE/21/00722/NMA Non-material amendment to CHE/13/00675/OUT

(Redevelopment of land for employment uses (Use Classes B1, B2 and B8) to amend highway drainage as part of the discharge of condition 13 (phase 1 access road) at land accessed from Farndale Road, Staveley for Mr Roger Caisley

(f) CLOPUD granted

CHE/21/00923/CLO Completion of garden room outbuilding at 6 Netherfield Road, Somersall, Chesterfield S40 3LS for Mr and Mrs Wood

(g) Split Decision with Conditions

CHE/22/00054/TPO Crown thinning by 25% of GRP 1 and 2 (hawthorne), T1, 2 and 3 (alder) at 10 Staunton Close, Chesterfield S40 2FE for Mrs Lisa Such

CHE/22/00075/TPO T1 - Sycamore (Acer Pseudoplatanus) to be Pollarded to the size dictated by its previous pollard. T2 - Silver Birch (Betula Pendula) to be crown reduced in order to balance the weight in the crown as it is leaning heavily over a public footpath.at 8 Ash Tree Close, Ashgate, Chesterfield S40 1RZ for Mr Neil Hall

CHE/22/00132/TPO Felling of ash tree at 44 Hedley Drive, Brimington S43 1BF

(h) Prior Approval Telecom Refused

CHE/21/00847/PA Prior approval for - Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works at Land At Foljambe Avenue Junction, Matlock Road, Chesterfield for CK Hutchison Networks (UK) Ltd

(i) Withdrawn

CHE/22/00057/FUL Change of use of dwelling (C3) to a solo care home (C2) at 26 Trevorrow Crescent, Chesterfield for Esland Group

99 **APPLICATIONS TO FELL OR PRUNE TREES (P620D)**

*The Development Management and Conservation Manager reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees:-

CHE/22/00064/TPO	Consent is granted to the pruning of one Oak tree reference T2 on the Order map for Mrs L Riley of 10 Dorothy Vale, Ashgate.
CHE/22/00012/TPO	Consent is granted to the pruning of one Ash tree reference T23 on the Order map for Mr Morison of 19 Foxbrook Court, Walton
CHE/21/00930/TPO	Consent is granted to the pruning of one multi stemmed Sycamore tree reference T5 on the Order map. Consent is also granted to the removal of one small basal stem growing towards Walton Road for Ms Senneck at 30 Hillside Drive, Walton
CHE/22/00010/TPO	Consent is granted to the felling of 1 Lombardy Poplar tree and the pruning of 6 Lombardy Poplar trees within G1 on the Order Map for Mrs Plemper of 33 Pomegranate Road, Newbold, with a condition to plant a replacement Hazel in the first planting season after removal and the pruning of 6 Poplar trees
CHE/22/00016/TPO	Consent is granted to the pruning of one Beech tree reference T1 on the Order map for DW Tree Services at 2 Ashleigh Close, Old Whittington
CHE/22/00035/TPO	Consent is granted to the pruning of one Lime tree reference T3 and one Oak tree reference T4 on the Order map for Commonwealth

Trees at 23 Gladstone Road.

CHE/22/00060/TPO

Consent is granted to the felling of two Horsechestnut trees within G1 and the pruning of one Weeping Ash tree reference T7 on the Order map.

Consent is also granted to the crown reduction of one Weeping Ash for Thompson Tree Services at Dryhurst Nursery, Chesterfield Royal Hospital. The duty to plant 2 new trees has been dispensed with on this occasion due to the existing tree cover.

CHE/22/00108/TPO

Consent is granted to the felling of one Beech tree reference T2 on the Order map for Mr Smith of 2 Ashleigh Close, Old Whittington.

CHE/22/00097/TPO

Consent is granted to the pruning of one Sycamore tree reference T118 on the Order map at Tesco Express, High Street, Old Whittington.

CHE/22/00140/TPOEXP

Consent is granted to the felling of one storm damaged Oak tree within W1 on the Order map at Brierley Wood, Birchall Estate, Sheffield Road, Unstone and to the rear of 37 Cheetham Avenue.
The duty to plant a replacement tree has been dispensed with on this occasion due to the natural regeneration within the woodland.

CHE/22/00132/TPOEXP

Consent is granted to the felling of one dangerous Horsechestnut tree reference T4 on the Order map for Dronfield Tree Services at Elmwood House, High Street, Old Whittington, with a condition to plant a replacement Maple tree in the first available planting season after felling.

CHE/22/00102/TPO

Consent is granted to the felling of 2 Lombardy Poplar trees and the pruning of 7

Lombardy Poplar trees within G1 on the Order Map for Ms Gregory of 35 Pomegranate Road, Newbold, with a condition to plant one Hawthorn replacement tree in the first planting season after removal

- CHE/22/00122/TPO Consent is granted to the felling of 1 Sycamore tree within A2 on the Order Map for Underwood Tree Services at 220 Handley Road, New Whittington, with a condition to plant a replacement Hawthorn tree in the first planting season after felling
- CHE/22/00131/TPO Consent is granted to the pruning of five Lime trees reference T6-T9 & T11 on the Order map for Mr Brent at 38 Gladstone Road
- CHE/22/00054/TPO Consent is refused to the crown thinning of 3 Alder trees and 2 groups of Hawthorns with W1 on the Order map for Mrs Such of 10 Staunton Close.
- CHE/22/00132/TPOEXP Consent is refused to the felling of one allegedly dead Ash tree reference T26 on the Order map for Sharon Upton at 44 Hedley Drive, Brimington
- Consent is granted to remove dead wood and for a pollard at 6m high to retain and make safe the mature Ash tree
- CHE/22/00075/TPO Consent is refused to the pruning of one Maple tree and one Birch tree within Area 1 on the Order map for Darren James Tree Services at 8 Ash Tree Close, Brampton
- Consent is granted to crown reduce one stem by a maximum of 2m on the Birch tree.

The Development Management and Conservation Manager reported on the current position in respect of appeals which had been received.

***RESOLVED -**

That the report be noted.

101 ENFORCEMENT REPORT (P410)

The Local Government and Regulatory Law Manager and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED -**

That the report be noted.

Agenda Item 4

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th April 2022
TITLE	DETERMINATION OF PLANNING APPLICATIONS
PUBLICITY	*For Publication
CONTENTS SUMMARY	See attached index
RECOMMENDATIONS	See attached reports
LIST OF BACKGROUND PAPERS	For each of the attached reports, the background papers consist of the file specified in the top right hand corner on the front page of the report. Those background papers on the file which do not disclose exempt or confidential information are open to public inspection at the office of the Development Management and Conservation Manager – Planning Services. Additional background papers (if any) will be separately listed in the report.

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**INDEX TO DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER'S REPORT ON THE 4TH APRIL 2022**

ITEM 1	CHE/21/00570/FUL – Erection of three detached split level dwellings with parking courtyard and landscaping on land between George Street and Victoria Street North fronting Broomhill Road, Old Whittington, Chesterfield for Blair Holdings Ltd.
ITEM 2	CHE/20/00801/FUL - Residential development of 9 dwellings (Revised layout and description 19.01.2022) at Land South of Poolsbrook School, Cottage Close, Poolsbrook, Chesterfield for ADC Properties Ltd.
ITEM 3	CHE/21/00446/FUL - Erection of a residential dwelling - revised drawings received 05.10.2021 and 18/01/22 on land adjacent 5 Mary Ann Street, Sheepbridge, Chesterfield for Mr Dave Roberts.
ITEM 4	CHE/21/00694/FUL - Construction of 4 two bed apartments with associated parking and amenity space land adjacent to 65 St Johns Road, Newbold, Chesterfield for Hardwick Nominees Ltd.

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ITEM 1**ERECTION OF THREE, DETACHED, SPLIT LEVEL DWELLINGS WITH ASSOCIATED PARKING COURTYARDS AND LANDSCAPING AT LAND BETWEEN GEORGE STREET AND VICTORIA STREET NORTH, BROOMHILL ROAD, OLD WHITTINGTON FOR BLAIR HOLDINGS LTD**

Local Plan: Unallocated, within the built up area of Old Whittington

Ward: Old Whittington

1.0 CONSULTATIONS

Ward Members	No comments received
Local Highways Authority	It is considered that the principle of residential development has been established by the virtue of outline planning permission previously being granted. The layout reflects that recommended by the Highway Authority under a previous application that was withdrawn. On the basis of the above, there are no objections to the proposal and it is recommended that the conditions are included in any consent. Conditions covering site compound/storage arrangements during development, creation of new vehicular access, provision of car parking prior to occupation, no gates/barriers, access gradient and informative notes.
Design Services Drainage	Percolation tests required to demonstrate soakaways are feasible and drainage calculations to prove soakaway sizing
The Coal Authority	Site does not fall within the high risk area, therefore standing advice applies
Yorkshire Water	Conditions requested covering separate foul and surface water systems, including points of discharge to be agreed, details of discharge of surface water to be agreed with satisfactory outfall, pre-commencement details of foul water drainage, including balancing/off-site works and phasing, details of pumping if required

Environment Agency	No comments received
Derbyshire Wildlife Trust	Badger survey requested and survey subsequently supplied. No evidence of badger activity and no further comments to make. Conditions requested covering nesting birds and biodiversity enhancement plan
Strategic Planning	Site is within built up area, not subject to specific allocations/designations, site is within reasonable walking distance of range of facilities at Local Centre with public transport connections. The principle of residential development on the site therefore accords with the spatial strategy of the Local Plan as described in policies CLP1 and CLP2. Conditions covering water efficiency (CLP13), Biodiversity net gain (CLP16) and electric vehicle charging (CLP22) should be imposed
Environmental Health	No objection, conditions recommended covering hours of construction/work, lighting, air quality and electric vehicle charging and land contamination
Representations	2 representations received – see report

2.0 THE SITE

- 2.1 The site subject of this application is situated on the south side of Broomhill Road between George Street and Victoria Street North. The site is bound by residential dwellings to the east, south and west and open fields to the north.
- 2.2 The site is in a sustainable location in walking distance to a range of services in Old Whittington Local Centre and in proximity to a primary and secondary school. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan © Aerial photograph taken from Google maps ©

2.3 The plot is broadly rectangular in shape covering approximately 0.10 hectares in area (1000m²). The plot is relatively overgrown at present and was previously used as garden with evidence of a few small trees and outbuildings including a greenhouse and shed. A notable difference (drop) in levels is evident between the footway on Broomhill Road and ground level on the site. The land then slopes away towards the south. Boundary treatments predominately include conifer hedging and timber fences.



Photo taken from Broomhill Road facing west



Photo taken from Broomhill Road facing south east

3.0 SITE HISTORY

3.1 CHE/18/00079/OUT - Outline application for the erection of three 2.5 storey houses with attached garages and raised drives – **CONDITIONAL PERMISSION (24.04.2018)**

3.2 CHE/19/00721/FUL - Erection of 2 houses with integral garages and 1 house with a separate attached garage, associated access,

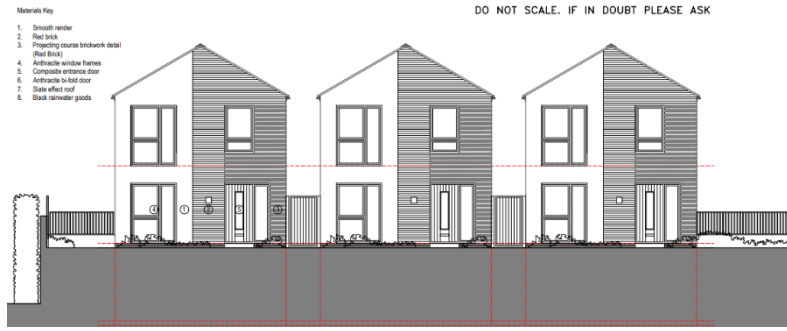
amenity space and landscaping (revised plans received 09.01.2020)
– **WITHDRAWN**

4.0 **THE PROPOSAL**

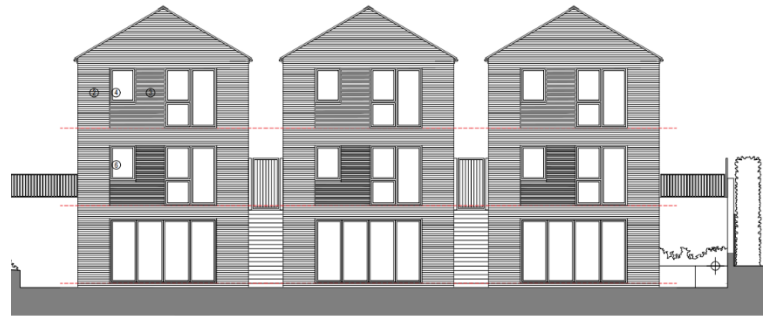
- 4.1 The application proposes the erection of three detached dwellings. Revised plans were submitted on 25.01.2022 to address concerns raised with regarding to parking/visibility and amenity impacts for residential neighbours to the west. The application is assessed on the basis of the revised plans as submitted.
- 4.2 Revised plans propose split level dwellings which are two storey when viewed from the Broomhill Road frontage and three storey at the rear due to level changes across the site. The properties are each the same in design and layout, characterised by a dual pitched roof form with gable to the north and south elevations. The design is contemporary with a mix of facing materials comprising of render, brick and projecting brick detail. The fenestration predominately has vertical proportions with elongated glazing.
- 4.2 Each dwelling is rectangular in footprint measuring 8.1m x 5.9m externally, the dwellings have a gross internal floorspace of 119sqm. The internal floorplan of the dwellings feature an open plan kitchen/living room at lower ground floor served by bi-fold doors to the south elevation. The upper ground floor incorporates the main entrance hall with access to the parking area on the site frontage, a reception room with window to the north elevation and bedroom with en-suite to the rear with windows facing the rear garden. The first floor comprises of three bedrooms and shared bathroom each served by a single window (two windows to the principle north elevation and two windows to the south elevation) – see extract of floor plan and elevations below.



Extract of submitted layout plan ©



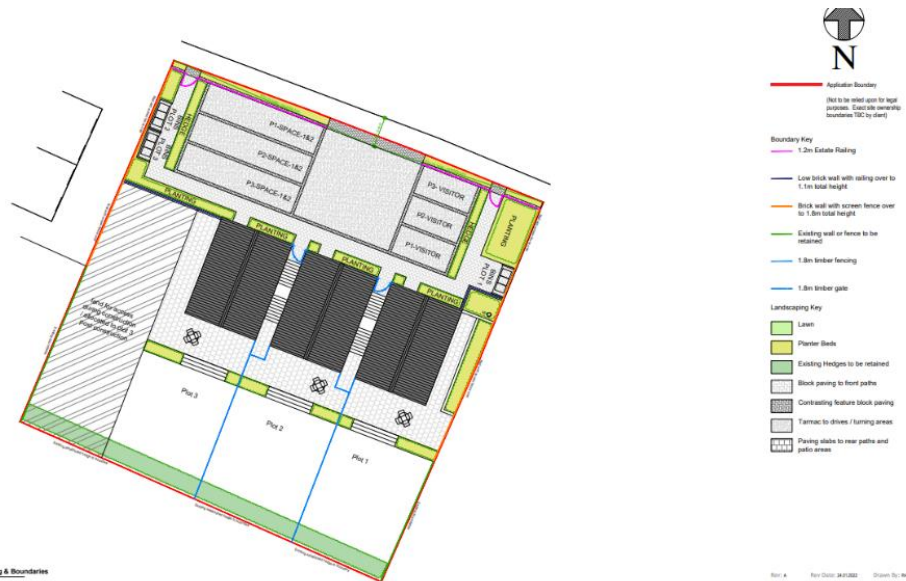
Proposed North (Principle) elevation ©



Proposed South (Rear) elevation ©

4.3

The application is supported by a landscaping and layout plan showing off-street parking arrangements with 9 parking spaces and an 8m wide courtyard for turning. Bin storage and boundary treatments are indicated. Each dwelling is served by a private garden to the rear measuring a minimum of 97sqm for each plot. Plot 3 benefits from a larger garden due to the off-set with existing residential dwellings on George Street and inclusion of a 12m separation distance.



5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 National Planning Policy Framework

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 Principle of Development

Relevant Policies

5.4.1 The application site is unallocated and is positioned within the built up area of Old Whittington therefore policies CLP1 and CLP2 are of relevance.

5.4.2 Policy CLP1 states that *'The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that*

need regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.'

- 5.4.3 Policy CLP2 states that when *'Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council's Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or through contributions to off-site improvements;*
 - g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;*
 - h) are not on the best and most versatile agricultural land;'*

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The Council's Strategic Planning Team were consulted on the proposal and they provided the following comments with regards to the principle of development;
- 5.4.6 *'The site is within the Built up Area, as identified on the Local Plan policies map, and not subject to any other specific allocations or policy designations. It is within a reasonable walking distance to a range of key facilities including a Local Centre with convenience store and pharmacy, and primary and secondary schools. There is regular public transport provision within a 5 minute walk of the site. The principle of residential development on the site therefore accords with the spatial strategy of the Local Plan as described in policies CLP1 and CLP2. The design of the development should be assessed using the criteria set out in policy CLP20 and the principles in the council's Residential Design SPD 'Successful*

Places'. Policies CLP13, 16 and 22 should be addressed by conditions and are covered below.'

- 5.4.7 The application site is located within walking and cycling distance of key services located in the defined Old Whittington Local Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. The proposal would accord with criteria a, d, e, and h of CLP2, criteria b is not met as the site is not considered to be previously developed land (the NPPF definition of previously developed land excludes residential gardens within built up areas). The proposal is within the settlement boundary and would introduce additional housing within the existing built up area of Old Whittington and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.6 **Design and Appearance of the Proposal**

Relevant Policies

- 5.6.1 Local Plan policy CLP20 states *'all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.'*

Considerations

- 5.6.2 The south side of Broomhill Road comprises of residential dwellings which are mixed in character. To the west of the site dwellings fronting Broomhill Road appear to be two storeys with some evidence of split level properties with an additional storey at lower ground floor. The properties are predominately characterised by dual pitched roof forms with side gables. Examples of dwellings with gable ends fronting the highway are evident on George Street and wider streetscene. The scale and form of the dwellings are acceptable within the context of the area. The proposal introduces a contemporary design with a use of mixed materials to provide relief to the façade including render and brick. It is recommended that a condition be imposed requiring the submission of specific materials (roofing and walling) prior to ordering.
- 5.6.3 The proposed dwellings are set back from the Broomhill Road frontage by 10.3m to create sufficient off-street parking and turning

space within the site and for visibility requirements. The proposed dwellings fit comfortably within the plots at a density appropriate to the site context. The siting of the dwelling will create a stepped building line on Broomhill Road, it is considered that there is sufficient variation in the layout of the built form to accommodate this arrangement without resulting in significant adverse impacts on the character of the area.

- 5.6.4 The proposal will create four bedroom dwellings which would each provide acceptable levels of living accommodation for future occupiers with a private amenity space which exceeds the minimum amenity space requirements as stipulated in the adopted Successful Places SPD (minimum requirement 90sqm). A landscaping plan has been provided indicating areas of planting and boundary treatment, full details have not been provided and therefore should be controlled by condition.
- 5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policies CLP20 and CLP21.

5.7 **Impact on Neighbouring Residential Amenity**

Relevant Policies

- 5.7.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'
- 5.7.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

Considerations

- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwellings and surrounding residential dwellings. Revised plans have moved Plot 3 further east to create 12m separation distance between the side elevation of the proposed dwelling and existing properties on George Street. The dwellings to the east on Victoria Street North have larger rear gardens which

contribute to the level of separation between existing and proposed dwellings. The habitable room windows to the rear elevation of the dwellings have been positioned to the east serving to mitigate potential overlooking. It is noted that each proposed dwelling has a landing window to the side (west) elevation, for Plot 1 and 2 the window will face onto a blank gable, however for Plot 3 this will face directly onto No 2A George Street. It is recommended that a condition be imposed requiring the first floor side window to Plot 3 be obscurely glazed to prevent overlooking.

- 5.7.4 To the south of the site is a large conifer hedge which runs along the full length of the boundary (see photographs below). The application seeks to retain this hedge and it is considered that the hedge protects the privacy of the occupiers immediately to the south (No 6 George Street). It is recommended that a condition be imposed requiring its retention at a specified height, this should be a minimum of 1.8m (6ft) as taken from ground level within the application site and thereafter maintained or that an appropriate alternative screen fence or wall replacing the hedge be installed. If the hedge is to be retained then fencing should be installed during construction to prevent damage to the hedge and its rooting environment. The protection of the hedge and retention or an alternative 1.8 metre high screen will need to be controlled by condition.



Photo taken facing east from elevated patio of No 6



Photo taken facing north west from garden of No 6

- 5.7.5 The Council's Environmental Health Officer reviewed the scheme and recommended a working hours condition to protect the residential amenity of the surrounding neighbours. It is recommended this be imposed by condition.

- 5.7.6 A landscaping and boundary treatment plan has been provided to support the application with indicated boundary treatments and planting areas. Full details of the materials, type of fencing and specific landscaping/planting details should be controlled by condition.
- 5.7.7 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 **Highways Safety, Parking Provision and Air Quality**

Relevant Policies

5.8.1 Local Plan policy CLP20 expects development to 'g) provide adequate and safe vehicle access and parking and h)

5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking

'The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

- i. The size of any dwellings proposed.*
- ii. The type, mix and use of the development.*
- iii. The proximity of facilities such as schools, shops or employment*
- iv. The availability of and capacity for safe on-street and public car parking in the area.*
- v. Proximity to and availability of public transport and other sustainable transport options.*
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*
- vii. Local car ownership levels.*

Considerations

5.8.3 The Council's Environmental Health Officer requested electric vehicle charging points be installed as part of the building phase in accordance with policy. In so far as Air Quality, one electric charging

point should be installed per dwelling as part of the build phase and controlled by condition.

5.8.4 The Local Highways Authority Derbyshire County Council raised no objections to the principle of the development subject to the following conditions.

1. *Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.*
2. *Before any other operations are commenced new vehicular and pedestrian accesses shall be formed to Broomhill Road in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.*
3. *No dwelling shall be occupied until space has been laid out within the site in accordance with the application drawing for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development.*
4. *There shall be no gates or other barriers on the access/driveway.*
5. *The proposed accesses/driveways to Broomhill Road shall be no steeper than 1:15.'*

5.8.5 Access to the site is taken from Broomhill Road which is a 30mph classified road. The route is popular for vehicles and HGVs travelling from Old Whittington to Sheepbridge. The application site is situated between George Street and Victoria Street North which rises steeply towards Broomhill Road. The footway/pavement on the

south side of Broomhill Road in front of the site is relatively narrow. Visibility from these streets for egress by vehicles relies on views in the east and west direction, particularly George Street which requires visibility in the critical direction to the east, towards oncoming traffic. It is therefore necessary to consider the impact of the access and parking arrangements for the development. Revised plans have been submitted with amendments made to the layout and positioning of the access to demonstrate visibility splays of 2.4m by 47m to the nearside kerb. The proposed development would be served by one access point measuring 8m in width with boundary treatments set back within the site to maintain visibility across the frontage. The revised plans proposed off-street parking for 9 vehicles, divided into 2 tandem parking spaces per dwelling and 3 parking spaces for visitors/additional spaces with an 8m wide turning area to ensure vehicles can leave the site in a forward gear.

- 5.8.6 The comments from the Local Highways Authority have been noted. With regard to condition 1 the application is already supported by a site containment plan with a layout of access/parking during construction, deliveries, material drop off zone/secure storage. This can be conditioned.
- 5.8.7 It is noted that condition 2 requires the access to be created prior to the commencement of other operations. It is recommended that a condition be imposed requiring the access to be created prior to commencement of development to ensure that access to the site during development/construction utilises an access point with the maximum visibility splays in the interests of highway safety.
- 5.8.8 It is recommended that Condition 3 and Condition 4 be attached to the decision to require parking to provided prior to occupation and thereafter retained and to prevent the installation of gates/barriers to maintain visibility in the interests of highway safety.
- 5.8.9 Condition 5 refers to the gradient of the site access. The application is supported by a section plan showing the proposed parking area with a small incline which is considered to be acceptable, therefore it is not considered necessary to impose as a condition.
- 5.8.10 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.9.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
 - b) be directed to locations with the lowest impact on water resources;*
 - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.9.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council’s Design Services (Drainage) Team and Yorkshire Water for comments in respect of flood risk and drainage/waste water
- 5.9.4 The Design Services (Drainage) Team reviewed the application and provided the following comments;
- ‘In respect of the above planning application, it is noted the applicant wishes to utilise soakaways to dispose of the surface water discharge. We would like to see percolation tests undertaken to BRE Digest 365 and subsequent soakaway sizing and drainage calculations. It should also be noted that it is desired that infiltration drainage is sited at least 5m from any building or structure and all drainage should be constructed in accordance with Part H of the Building Regulations. The applicant also indicates they intend to utilise a pumped system to dispose of foul discharge, again we’d*

like to see appropriate design calculations and proposals in regards to this'

5.9.5 Yorkshire Water reviewed the application and raised no objections in principles subject to the following;

1.) The drainage details submitted on drawing 'Proposed Levels & Drainage' 21-021-PL04 (revision A) dated 24/01/2022 that has been prepared by Brightman Clarke Associates requires additional information, but if planning permission is granted, the matter can be dealt with via condition. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed private packet pumping station, but no rate of pumped discharge has been given.

2.) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

a.) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

3.) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire Water fully endorse this means of surface water disposal.

a.) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

b.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

4.) *If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.*

5.9.6 Conditions requested by Yorkshire Water are copied below;

1. *The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
(In the interest of satisfactory and sustainable drainage)*
2. *No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)*
3. *No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 (three) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
(To ensure that no foul water discharges take place until proper provision has been made for their disposal)*

5.9.7 The comments from Yorkshire Water and the Council's Design Services Drainage Team have been noted. It is recommended that conditions be imposed on the decision requiring further information

on proposed drainage as detailed above, including the pre-commencement conditions requiring details of foul water disposal to be agreed before development takes place and details of surface water soakaways including percolation testing and sizing/drainage calculations and positioning with the site at least 5m away from any building. Subject to the imposition of relevant conditions the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.10 Ground Conditions Land contamination and Land Stability

Relevant Policies

- 5.10.1 Local Plan Policy CLP14 states that *'Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
 - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
 - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.*
- 5.10.2 Paragraph 178 of the NPPF states that *'Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

Considerations

- 5.10.3 The application site is not located in area considered to be at 'high risk' of former Coal Mining Legacy, therefore standing advice from The Coal Authority applies. Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council's Environmental Health Officer for comments.
- 5.10.4 The Environmental Health Officer highlighted that the site is in an area which could be affected by historical land contamination and recommended that a phase 1 land contamination study and if required a phase 2 intrusive site investigation with a remediation strategy and validation report.
- 5.10.5 Subject to the imposition of relevant conditions the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.11 Biodiversity including Trees and Landscaping

Relevant Policies

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.11.3 The site largely consists of former garden which appears to have been left undisturbed for a period of time and is relatively overgrown. Evidence of the former use is still visible including a greenhouse and a shed. The application was not supported by a preliminary ecological appraisal.
- 5.11.4 The Derbyshire Wildlife Trust reviewed the scheme and provided the following comments;

'There is no ecological information submitted with the application. The site comprises a large garden, that appears disused on Google street view. A greenhouse is visible and small trees, possibly old fruit trees.

Some shrubs are also present and hedges on two boundaries. It is not clear if the hedges are native. It appears that the majority of the hedges will be retained, with some removal on the eastern boundary. We advise that no net loss of native hedgerows should result from proposals and therefore if the hedges are native, replacement planting should be incorporated. Given that overgrown grassland, shrubs and small trees will be lost, we recommend that new small trees, shrubs, climbers and herbaceous species should be incorporated on site, with flowering and fruiting species chosen to benefit local wildlife. The landscape plan should be updated to reflect this. Incorporating integrated bat and bird boxes and hedgehog gaps will also help to retain the biodiversity value of the site.

From a check of our biological records database, I cannot see any existing records of protected species on or adjacent to site. However, we have had reports of badgers in the immediate area from local residents and this species can construct a sett in overgrown gardens, including within scrub, soil/debris mounds or beneath disused garden buildings. We advise that a badger survey is undertaken at the earliest opportunity (prior to determination), to ensure appropriate mitigation can be designed if necessary.

Notwithstanding the badger survey, we recommend the following conditions:

Nesting Birds

No clearance of trees, scrub or hedgerow shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Enhancement Plan

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- integrated bat box in one dwelling.*
- integrated swift box in each dwelling.*

- *fencing gaps 130 mm x 130 mm in rear garden fences to maintain connectivity for hedgehogs.*
- *summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).'*

5.11.5 A badger survey was commissioned by the applicant and the report was submitted and reviewed by the Derbyshire Wildlife Trust. The Trust noted that no evidence of badger activity was found by the surveyor and no further comments were required on this matter.

5.11.6 The application is supported by a landscaping plan indicating areas of planting, hard surfacing and boundary treatments. It is recommended that a detailed landscaping plan be submitted to demonstrate ecologically beneficial landscaping and measures requested by the Wildlife Trust in the recommend condition above.

5.12.6 Subject to conditions as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.13 Developer Contributions and Community Infrastructure Levy

5.13.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable. The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	359	0	0	£50.00 Medium Zone	332	288	£20,692

Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

Therefore, the CIL charge liable for this application is as follows:

$$\frac{359 \times £50 \times 332}{288} = £20,692$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters and site notice. 2 representations have been received and are summarised below (see representations for full comments):

- Hedge which borders No 6 George Street is within the ownership of No 6 as shown on title deeds. Hedge is planted on boundary and retaining wall and hedge is on our property. Hedge is established and concerns raised that heavy machinery would damage roots and proximity to soakaways
- Traffic/highway safety
 - concerns regarding the safety of pedestrians and road users as the road is not particularly wide and is used by heavy traffic. The pavement is narrow and does not allow people to pass easily.
 - Access onto Broomhill requires vehicles to pull out slowly to check for oncoming traffic and if cars are parked on Broomhill Road users will not have a view of the traffic until they cross the lane.
 - A four bedroom house will have more than 2 vehicles and where will extra cars park? Visitor parking will likely be close to the exit of Victoria Street North or George Street which has poor visibility. If cars park partially on pavement it will not be possible to pass with a pushchair or wheelchair
 - Where will construction traffic park?
- Sewage and Flooding
 - Concerns regarding removing sewage by pump, who would be responsible for management and maintenance what type of maintenance would be required and frequency of maintenance activity, who would be liable if maintenance is not performed regularly and results in smells/leaks/noise/contamination
 - Property situated below the site/lower level and concern that any run off/leak would flow down to property resulting in contamination
 - Location of soakaways as shown is close to hedge, are the soakaways suitable/sufficient to collect all water, who would be responsible for maintenance if they were blocked
- Wildlife
 - Wide range of wildlife on the adjacent site including badger and should be taken into account
- Screening/boundary treatments

- Reassurance that appropriate screening will be in place to ensure that headlights from the cars parking/turning will not shine through to our property.

6.3

Officer comments – the above comments have been noted

- ***Hedge – concerns have been raised regarding the ownership of the hedge as shown on the plans. It is not for the Local Planning Authority (LPA) to be an arbiter in boundary disputes which are considered to be a private civil matter between landowners. To determine a planning application the LPA have a procedural role to seek clarification that the relevant certificate has been signed as part of the application form and if necessary that notice has been served on appropriate landowners. The applicant has provided a copy of the land registry deed plan to demonstrate that the plan corresponds with the submitted location plan and red line boundary and has provided written confirmation that they consider the submitted plans to be correct in line with the land registry documentation. The neighbour has also provided a copy of their deed plan, however this has not served to clearly demonstrate ownership sufficient to request any amendment to the certification or submitted plans. The applicant has stated that they believe the details provided to be correct. The applicant/neighbour may wish to get legal advice on the boundary matters however this is a civil matter between the two respective parties. In planning terms it is considered necessary to retain a screen along the boundary however, as set out at para 5.7.4 above this can be secured by either retaining the conifer hedge at a minimum of 1.8 metres or replacing it with a 1.8 metre high alternative boundary treatment such as a fence or wall.***
- ***Highway safety/parking – revised plans submitted increased the number of off-street parking spaces for the development and introduced a single wider access with enhanced visibility. The revised plans seek to address concerns regarding parking on the frontage and it is considered sufficient parking will be provided by the development for the dwellings. Details of site storage/parking and site compound for use during construction have been provided and will be controlled by condition***
- ***Sewage/flooding – Yorkshire Water has requested further details of proposed drainage systems to be agreed and controlled by condition. The siting of any***

soakaways/drainage systems will need to be agreed by condition. Once installed maintenance would fall to the individual land owner

- ***Wildlife – a badger survey has been provided by the applicant and reviewed and agreed by the Derbyshire Wildlife Trust.***
- ***Screening/boundary treatments – the application is supported by a landscaping and boundary treatment plan, however details of the specific height of the wall/timber fencing and whether this would provide sufficient screening to be controlled by condition.***

7.0 HUMAN RIGHTS ACT 1998

7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

7.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

- 9.1 The proposal would introduce additional housing within the existing built up area of Old Whittington and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policy CLP20. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient off-street parking for the proposed dwellings therefore subject to conditions the proposal accords with the requirements of CLP20 and CLP22. Subject to conditions and the submission of further details controlled by condition covering land contamination, drainage and biodiversity the proposal is considered to accord with the principles of CLP13, CLP14, CLP16 and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Standard time frame

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Location Plan, drawing number 21-021-PL00 (dated 26.07.2021)

- Proposed Site Layout to Account for Planning & Highways Comments - 47m Splays / 12m Separation, drawing number 21-021-PLO2 Revision B (Dated 18.02.2022)
- Existing Site / Topo Survey, drawing number 21-021-PL01 Revision A (Dated 24.01.2022)
- Proposed Landscaping & Boundaries, drawing number 21-021-PL03 Revision A (Dated 24.01.2022)
- Proposed Levels & Drainage, drawing number 21-021-PL04 Revision A (Dated 24.01.2022)
- Proposed Site Containment Plan, drawing number 21-021-PL05 Revision A (Dated 24.01.2022)
- Proposed House Floor Plans, drawing number 21-021-PL06 Revision A (Dated 24.01.2022)
- Proposed Elevations - Front & Rear, drawing number 21-021-PL07 Revision A (Dated 24.01.2022)
- Proposed Elevations – Sides, drawing number 21-021-PL08 Revision A (Dated 24.01.2022)

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Pre-commencement – Land contamination

3. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation

shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with CLP14

Pre-commencement Highways – creation of access

4. Before any other operations are commenced on site a new vehicular access including associated engineering works shall be formed to Broomhill Road in accordance with the approved application drawings and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, to the extremities of the site frontage abutting the highway in both directions. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

Reason - This pre commencement condition is required in the interests of highway safety to ensure access to the site during construction/development has maximum visibility to Broomhill Road in accordance with CLP20 and CLP22

Pre-commencement - Site Storage/Compound

5. Space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles in accordance with drawing Site Containment Plan, drawing number 21-021-PL05 Revision A, laid out, constructed and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.

Pre-commencement – Foul Drainage

6. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 3 (three) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason – This pre-commencement condition is required due to the site specific context and requirement for further details regarding package of work including pumping system and agreed points of discharge. To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with CLP13.

Protection of hedge

7. The hedgerow to the full length of the south boundary of the site with 6 George Street shall be retained at a minimum height of 1.8 metres or a scheme for its replacement with a 1.8 metre high wall or fence shall be submitted to the local planning authority for consideration. In the event that the hedge is to be retained as indicated in the application documents, a scheme for the protection of the hedgerow shall be submitted to the Local Planning Authority for written approval. The scheme shall include (not limited to) protective fencing to create an approved protection zone. The approved protective fencing shall be installed before the development is commenced and thereafter retained until such completion of the development to the satisfaction of the Local Planning Authority. There shall be no excavation, raising/lowering of existing ground level, no building or engineering operations carried out, no storage of materials or equipment within the agreed protection zone.

Reason - To protect the amenity of the residential occupants of No 6 George Street in accordance with Local Plan policies CLP14 and CLP20

Levels

8. Following construction of the access and before any other works take place details of all finished floor levels and spot levels across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the detail as approved.

Reason – to ensure satisfactory finished levels in accordance with CLP20 and CLP22 of the Local Plan

Hours of construction

9. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

Drainage - surface water

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details' submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved surface water drainage works.

Reason - To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with CLP13.

Drainage – separate foul and surface

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interest of satisfactory and sustainable drainage and in accordance with CLP13

Approval of Materials

12. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan

Biodiversity

13. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - integrated bat box in one dwelling.
 - integrated swift box in each dwelling.
 - fencing gaps 130 mm x 130 mm in rear garden fences to maintain connectivity for hedgehogs.
 - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

Landscaping

14. Notwithstanding the submitted details no development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion

or first occupation of the development, whichever is the sooner.

Details shall include:

- a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include indications of all existing trees, hedgerows and other vegetation on the land to be retained and detail measures for the protection of retained vegetation during the course of development, including details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b. proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment/colour.
- c. a schedule detailing sizes and numbers of all proposed trees/plants
- d. Sufficient specification to ensure successful establishment and survival of new planting.

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Local Plan.

Retention of soft landscaping

15. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Retention of hedge

16. The existing hedge which runs along the full length of the southern boundary of the application site with No 6 George Street shall be retained for the life of the development at a minimum height of 1.8m as measured from ground level within the application site.

If at anytime during the life of the development the hedge is diseased, damaged or dying, prior to the removal of any part of the hedge a scheme for replacement screening/planting shall be submitted to the local planning authority consideration and written approval. Only the screening/planting which receives written approval from the Local planning authority shall be installed on site and thereafter retained as such in perpetuity.

Reason - To protect the amenity of the residential occupants of No 6 George Street in accordance with Local Plan policies CLP14 and CLP20.

Water efficiency

17. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

Parking provision

18. The development the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason - In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.

Electric charging

19. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly

wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

Pd rights removal for walls, gates and enclosures

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling without the prior written approval of the Local Planning Authority upon an application submitted to it.

Reason - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

No gates/barriers

21. There shall be no gates or other barriers on the shared access/driveway.

Reason - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance and to ensure clear unobstructed access to the site in the interests of highway safety and in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Obscure glazing

22. Prior to the development hereby permitted being occupied/brought into use the first floor window to the side (west) elevation of Plot 3 facing towards George Street shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington. Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP14 and CLP20 of the of the adopted Chesterfield Borough Local Plan

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
6. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy,

Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190

7. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
8. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
9. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).
10. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link - http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp
11. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged

chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.

12. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

13. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

14. In accordance with the ecological/biodiversity enhancement condition measures shall include but shall not be limited to:

- Bird/owl/bat boxes
 - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
 - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
 - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to

- 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
- Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
 - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)
 - Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
 - Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
 - Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
 - Bee bricks.

Species	Potential Enhancement Measure	Notes
Wildflowers	<p>Native wildflower meadow areas: as an alternative to amenity grassland.</p> <p>Wildflower verges.</p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes.</p> <p>Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale.</p>
Birds	Bird Boxes and other nesting features: (such as stone ledges	Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal

	<p>and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.</p>	<p>environment. For guidance on installing bird boxes including minimum height see: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.</p>
<p>Invertebrates</p>	<p>Bug hotels and log piles with stones: particularly near ponds.</p> <p>South facing banks: with some bare ground.</p> <p>Rough or natural stone walls with holes for invertebrates to use.</p> <p>Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat may have</p>	<p>Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/</p>

	been lost. The substrate does not have to cover the entire roof.	
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15. Notes from Yorkshire Water

1) The drainage details submitted on drawing 'Proposed Levels & Drainage' 21-021-PL04 (revision A) dated 24/01/2022 that has been prepared by Brightman Clarke Associates requires additional information, but if planning permission is granted, the matter can be dealt with via condition. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed private packet pumping station, but no rate of pumped discharge has been given.

2.) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

a.) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

3.) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire Water fully endorse this means of surface water disposal.

a.) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

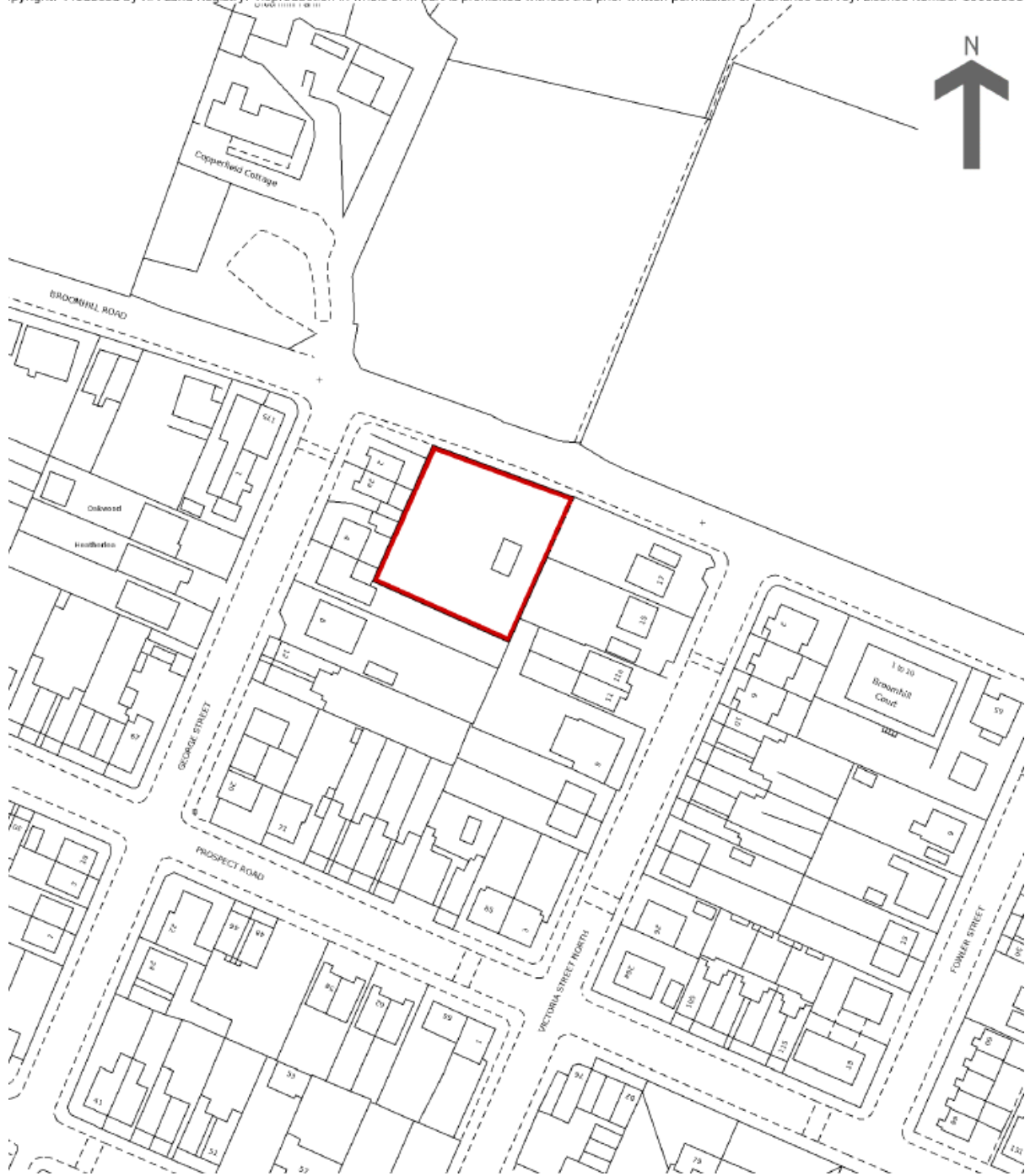
b.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further

consultation with Yorkshire Water will be required.

4.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

16 The details required under condition 10 shall include percolation tests undertaken to BRE Digest 365 and subsequent soakaway sizing and drainage calculations. The position of any infiltration drainage should be clarified and should be at least 5m from any building or structure.

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ITEM 2**Residential development of 9 dwellings (Revised layout and description 19.01.2022) at Land South Of Poolsbrook School, Cottage Close, Poolsbrook for ADC Properties Ltd**

Local Plan: RP1

Ward: Middlecroft and Poolsbrook

Plot No: 2/2849

Committee Date: 4th April 2022**INTRODUCTION**

This application was previously put before Members for consideration at the 6th December 2021 planning committee where the officer recommendation was upheld for the application to be approved subject to conditions and the signing of a S106 to secure £56,628 towards affordable housing.

The applicant was concerned about the viability of the scheme on the basis of this contribution and as a result wanted to reconsider the proposed development. The following report is an update and new recommendation following revisions to the proposed development.

CONSULTATIONS

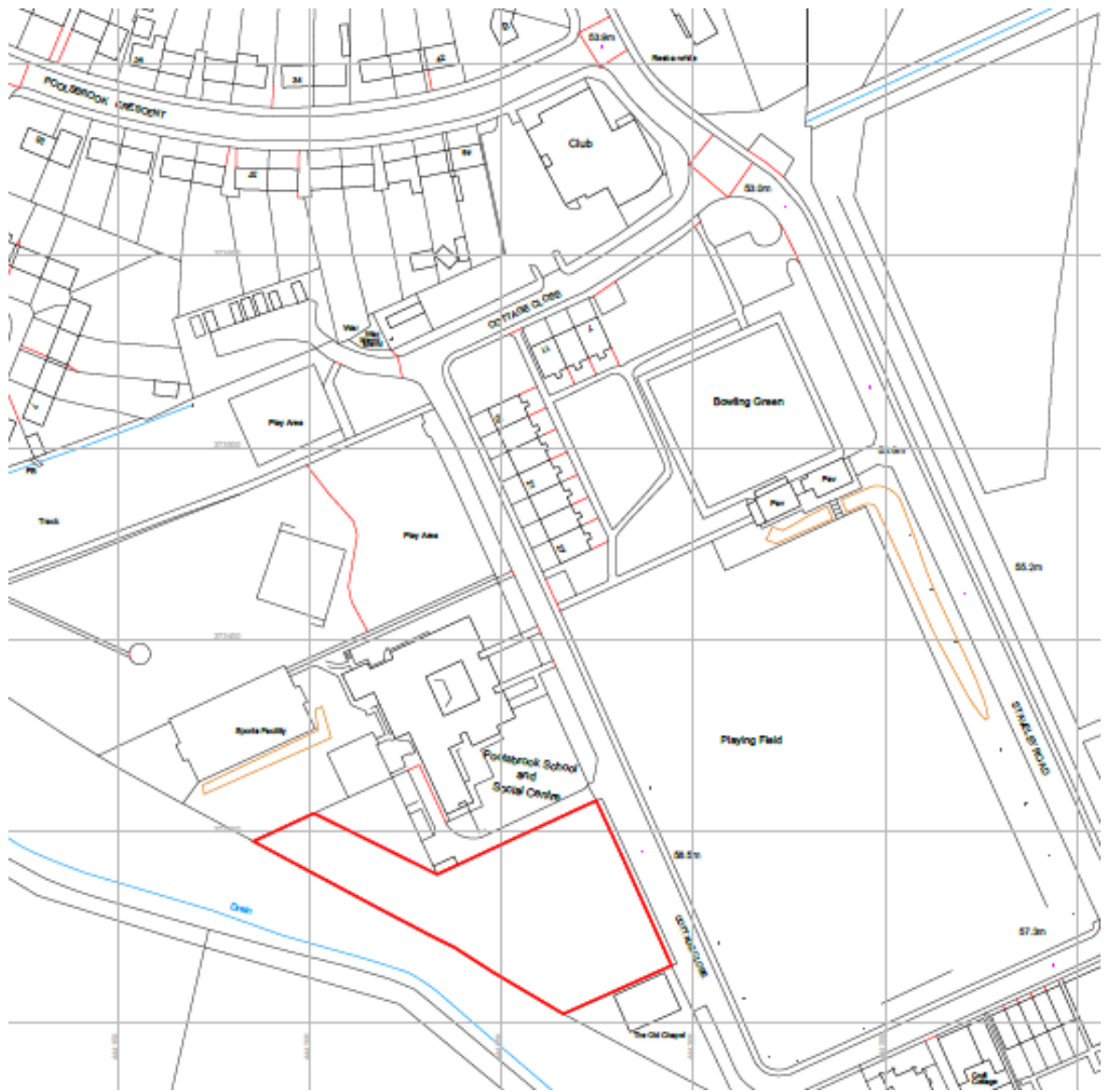
CBC Environmental Health	Request EV charging, restrictions on construction hours, detailed site investigation condition in regard to potential contamination. Comments on revised scheme remain unchanged.
The Coal Authority	Object due to lack of Coal Mining Risk Assessment. Following submission of a Coal Mining Risk Assessment the Coal Authority removed its objection. Comments on revised scheme remain unchanged.
Yorkshire Water	Recommend conditions Comments on revised scheme remain unchanged.
CBC Design Services	The site should be developed with separate foul and surface water drainage systems. It is noted that soakaways may be used as a means of surface water disposal for this proposed development. Infiltration tests of the subsoils must be carried out and sizing calculations provided to ensure soakaways are a

	<p>suitable method of surface water disposal. These should be designed in accordance with BRE Digest 365 to ensure no flooding occurs during a 30 year design storm and no flooding to properties occurs during a 100 year storm. Any new connections to the public sewerage system must have prior approval from Yorkshire Water.</p> <p>No further comments to make on revised scheme – concur with the LLFA.</p>
CBC Forward Planning	<p>The site is within the built-up area of Chesterfield (policy CLP3), and within Poolsbrook Regeneration Priority Area (policy RP1). In regard to CLP1 and 2</p> <p>The site is within walking and cycling distance of some local facilities, including Poolsbrook Primary School and a convenience store. It is around 1.2 miles (around 20 minute walk) to the nearest Centre at Staveley. Bus services are reasonable, and new development may help to sustain the shop and school in the village. The site is it is located within a Regeneration Priority Area and contributes well to delivering the Spatial Strategy in this regard. A 5% contribution for affordable housing is required and 25% (3 units) to M4(2) standards.</p> <p>Revised scheme -</p> <p>The revised scheme takes the development below the threshold for affordable and accessible/adaptable housing.</p> <p>The need for biodiversity net gain is required with a metric.</p> <p>There is no energy statement under CLP20.</p> <p>There are local and strategic cycle routes in close proximity to the site and there may be improvements to this needed to these to make the development acceptable under CLP20 and 22.</p>
Highway Authority	<p>In principle the amended plans are considered to be acceptable. Pedestrian visibility splays should be to the rear of the highway.</p> <p>The footway will require more substantial construction than standard footway which can be agreed under a S278 agreement.</p> <p>No objection subject to condition.</p>

Lead Local Flood Authority	Conditions are recommended. Previous comments still apply to amended scheme.
CBC Tree Officer	No objection subject to condition – see report No further comments on the revisions received.
Derbyshire Wildlife Trust	The revised layout does not appear to have any ecological implications. It is not clear which dwelling(s) the bat box and a sparrow terrace will be attached to. I would also note that the ecology report recommends two sparrow terraces and the layout plan only states one. The locations for the bat box and two sparrow terraces should be clearly identified to ensure implementation on site. No further comments to the revisions received.
CBC Housing	The affordable housing contribution should be as follows: Based on an average unit size of 87 sqm (936 sqft) taking an average sales value of £200 psqft (sales at Rectory Road Duckmanton achieved £222 psqft, so we have lowered the sales rate for a smaller development and slightly different location). The site generates a requirement for 0.55 of a unit, that equates to 514 sqft x 200 = £102,960, allowing for the fact that a RP might acquire at c55% value, 102960 x 55% - this gives a commuted sum of £56,628. No further comment on revisions received
NHS and Derbyshire CCG	No request for contribution as the development is under the threshold.
Representations	Four comments received – see section 6 of the report. Additional comment received to the revised scheme following planning committee.

2.0 THE SITE

2.1 The application site is vacant land which appears to have a surface for previously development on the land which is thought to be associated with the school. The red bricks walls currently define the limits of the site to the frontage (east) and either side (north and south). There is a wooded area to the rear (west) of the site. The site is relatively level but elevated from the highway.





3.0 SITE HISTORY

3.1 No relevant recent planning history.

4.0 THE PROPOSAL

4.1 Full planning permission is sought to redevelop the site for 9 open market dwellings which has been reduced from the previously considered submission of 11 units. The site is oddly shaped with an area to the north west projecting beyond the remainder of the site.

4.2 Following the previous planning committee decision, the number, design and layout of the units has been amended and is now as follows:

House Type A – Dormer bungalow – two bedrooms and bathroom to upper floor and one bedroom and wet room for disabled access on the ground floor. The house type is handed on Plots 1 and 2. With plot 2 fronting the main highway and plot 1 set to the rear.



House type B – now deleted from the scheme

House Type C – These units from the internal road in the form of a pair of semi-detached dwellings – two-storey with dormer to the roof forming a 3-bedroom dwelling. Plots 5 and 6.



House Type D - This is a two-storey dwelling with integral garage, a 4-bedroom unit. Plot 7.



House Type E (a) (Type EH being handed for plot 4) – This is a two-storey dwelling with integral garage, pitched gables one with bay window as a 4-bedroom unit. Plots 3 and 4.

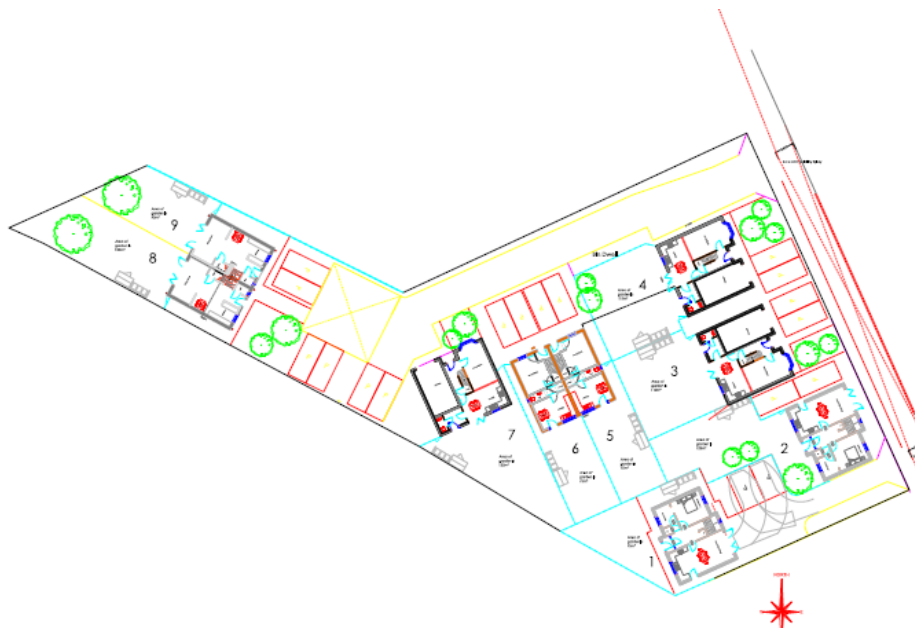


House Type E (b) – This is a pair of semi-detached dwellings two storeys in height with gabled feature to the front. The units are 3 bedroomed. Plots 8 and 9.



Each dwelling has 2 parking spaces.

4.3 Site layout:



4.4 Street scene:



5.0 CONSIDERATIONS

5.1 Planning Policy

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that,

‘applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 Chesterfield Borough Local Plan 2018 – 2035

CLP1 Spatial Strategy (Strategic Policy)

CLP2 Principles for Location of Development (Strategic Policy)

CLP3 Flexibility in Delivery of Housing (Strategic Policy)

CLP4 Range of Housing

CLP13 Managing the Water Cycle

CLP14 A Healthy Environment

CLP15 Green Infrastructure

CLP16 Biodiversity, Geodiversity and the Ecological Network

CLP20 Design

CLP21 Historic Environment

CLP22 Influencing the Demand for Travel

RP1 Regeneration Priority Areas (Strategic Policy)

5.3 Other Relevant Policy and Documents

- National Planning Policy Framework (NPPF)

5.4 Key Issues

- Principle of development
- Design and appearance of the proposal;
- Impact on local list asset adjacent
- Impact on neighbouring residential amenity;
- Highways safety and parking provision;
- Biodiversity, impact on protected species, enhancement and Trees
- Ground conditions
- Drainage

5.5 Principle of Development

5.5.1 Policy CLP1 of the Adopted Local Plan sets out the Spatial Strategy for development in the Borough; The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need

regenerating, including the 'place shaping' areas set out in policies SS1 to SS6 and Regeneration Priority Areas.

- 5.5.2 The application site is within walking distance of the local facilities provided in Poolsbrook such a small shop and primary school, and with some services provided a greater distance away such as the secondary school. However, the site is close to bus stops which allow travel to other local centres and the town centres of Chesterfield and Bolsover.
- 5.5.3 The site is within the Regeneration Priority Area established under policy RP1, where it is noted that the council will grant planning permission for development which supports regeneration and where it would;
- a) extend the type, tenure and quality of housing; and
 - b) deliver environmental and biodiversity benefits; and
 - c) support or enhance existing services and community facilities;
 - d) provide recruitment, training and procurement to benefit the local economy (via a Local Labour Agreement in line with Policy CLP6), with the priority being to maximise training and employment opportunities for existing residents of the RPA within which the development is located; and
 - e) increase trees and tree groups to enhance landscape character; and
 - f) have an acceptable impact on the wider highway network (taking account of cumulative effects of other developments within the RPAs) and provide any necessary mitigation.
- 5.5.4 Specifically in terms of Poolsbrook the policy requires: Within the Poolsbrook Regeneration Priority Area, development is expected to:
- i. deliver a minimum of 175 new homes on site H31; and
 - ii. provide safe and convenient walking and cycling access to job opportunities at Markham Vale; and
 - iii. provide safe and convenient walking and cycling connections to the surrounding rights of way network, including connections to Duckmanton and Poolsbrook Country Park; and
 - iv. promote design that positively contributes to the surrounding area and conserves or enhances the significance of heritage assets including the surviving buildings of the Model Village.
- 5.5.5 The proposed development being a good mix of housing, within a sustainable location and providing an enhancement to the visual amenity of the area, along with tree planting is considered to meet the above policy requirements for development within the regeneration

area. A condition will be imposed to secure local recruitment, training and employment.

- 5.5.6 The comments of forward planning in relation to upgrading the cycle routes in the area are noted. However, it is not considered that this scheme is of sufficient scale or directly related to the nearby cycle routes to such a degree that an upgrade as part of this application is necessary to make the development acceptable in planning terms. CIL contributions from the development can be used to upgrade cycle schemes where necessary.

5.6 Design and Appearance of the Proposal

- 5.6.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

- 5.6.2 The design of the dwellings has been amended through the application process to ensure a consistency of design across the various house types but also to better reflect on the traditional housing within the locality. It is considered that the revised scheme results in an appropriate finished form of development that is in keeping with the surroundings and will enhance the site. A condition will be necessary to ensure the finished materials of the development are appropriate along with details of boundary treatments, landscaping and hard surfacing.

- 5.6.3 The comments of the neighbouring resident in terms of the structural stability of the boundary wall are noted, however repairs to the boundary wall cannot be secured by this permission as changes may be proposed to the boundary due to excavations on the site. It is noted that should the boundary wall remain then planning permission is not required for its repair which is the responsibility of the landowner as a civil matter. The recently reiterated comments from the neighbouring resident regarding the concerns stability of the wall are acknowledged, in response it should be noted that it is the landowner's responsibility to ensure any buildings or structures are safe.

- 5.6.4 The proposal is considered to be acceptable in terms of design and appearance in accordance with Policy CLP20 of the Adopted Local Plan.

5.7 Impact on local list asset adjacent

- 5.7.1 The neighbouring property known as The Old Chapel is registered on the local list of heritage assets. The lists notes that the Chapel is a Former Methodist Chapel from the 1890's which would have served the community living in Poolsbrook Cottages across the road which was demolished in the 1980's.
- 5.7.2 Policy CLP21 states in part that; In order to ensure that new development conserves or enhances the significance of designated and non-designated heritage assets and their settings, the council will: e) identify and, where appropriate, protect non-designated heritage assets of local significance, set out in and referred to as the Local List.
- 5.7.3 The NPPF in paragraph 203 states; The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.7.4 The proposed development will be adjacent to the Old Chapel and will not therefore lead to its loss. In terms of the impact on the Chapel it is considered that the amended design is suitably respectful of the Old Chapel ensuring there is a break between the development and the Chapel but also respecting the building and integrating an appropriate scale and design of development without unduly compromising the non-designated heritage asset. On this basis the proposal is considered to be acceptable in accordance with Policy CLP21 of the Adopted Local Plan.

5.8 Impact on Neighbouring Residential Amenity

- 5.8.1 Local Plan policy CLP14 states that development will be expected to have an acceptable impact on the amenity of users and neighbours.
- 5.8.2 The original scheme was amended in part due to the potential impacts on the privacy of the neighbouring dwelling, The Old Chapel has elongated windows to the side elevation. The amended scheme has ensured the new dwellings are not immediately on the boundary of the site to ensure there remains sufficient light into the windows of the Chapel following the development. The dwelling closest to that boundary has a blank gable to the side to ensure that any potential

overlooking is minimised. This has ensured an appropriate relationship between the existing and proposed dwellings. A condition will ensure no future openings are imposed into the side gables of plots 1 and 2. Plot 1 is set to the rear of the Chapel and has only one upper floor window to the gable closest to the rear elevation of the Chapel, whilst there is an oblique angle from the window of the proposed dwelling to the rear of the Chapel, because the window is a feature bay window it is considered that there is some potential for overlooking. However, this can be mitigated through a condition to ensure the obscure glazing of the south-eastern side of the bay feature window to an internal height of 1.7m.

- 5.8.3 The proposed layout allows for sufficient distances between plots and sufficient garden sizes to ensure adequate amenity space. To the side of the site adjacent to the school appropriate boundary treatments and the separation of the proposed access road will ensure an appropriate relationship between the dwellings and the school.
- 5.8.4 Subject to conditions it is considered that the proposal is acceptable in terms of amenity impacts on neighbouring residents in accordance with policy CLP14 of the Adopted Local plan.

5.9 Highways Safety and Parking Provision

- 5.9.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety.
- 5.9.2 The Highway Authority have noted no objection to the revised scheme subject to conditions. Highways have noted:
In principle, the comments made and the revised drawing are considered acceptable.
For clarification, pedestrian intervisibility splays should be located to the rear of the highway.
The applicant should note that footway fronting the site will require more substantial construction than standard footway construction. It is considered that this can be agreed at constructional approval stage for a Section 278 Agreement under the Highways Act 1980. Recommend conditions.
- 5.9.5 The neighbouring resident has raised concern that their parking area to the frontage of the site should not be impacted by the development, which is acknowledged. It is assumed that this area is the piece of land where there is no pavement to the frontage of The Old Chapel. Whilst

the extent of land ownership/rights here are not fully known, it appears feasible from the submitted plans to secure the access point to Plot 1 as set out without impinging on the ability of the neighbouring residents to park within this area. As noted above this appears to be contained within the public highway and therefore would be under the control of the Highway Authority. There are also concerns raised regarding the narrowing of the highway to provide a suitable pavement to the front of the site, the Highway Authority in their comment have clearly acknowledged this and found the proposal to be acceptable.

- 5.9.6 Subject to conditions it is considered that appropriate access and parking can be provided through the proposed layout to ensure no adverse impacts on highway and pedestrian safety in accordance with Policies CLP20 and 22 of the Adopted Local Plan.

5.10 Biodiversity, impact on protected species, enhancement and Trees

- 5.10.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 5.10.2 The submitted ecological reports advises that; *the site has minimal value and no presence of protected species. It notes that; There are four designated Local Wildlife Sites (LWS) within 1 km of the site. All are sufficiently distant (between 380 m and 1 km) that there is not likely to be a potential impact from the proposed development site.*
- 5.10.3 In terms of enhancement the report notes that: *There is an opportunity for biodiversity enhancement through creation of additional habitat along the margins of the site. Provision of features within the development itself could also enhance biodiversity. Features that should be considered include:*
- *A native species-rich hedgerow along the northern boundary of the site to complement the existing hedgerows around Poolsbrook Leisure Centre.*
 - *Landscaping within the development should include a component of native trees and shrubs, favouring flowering and fruiting species.*

- *Provision of suitable bird and bat boxes. These should include:
One Schwegler 2FTH Universal Summer Bat Box mounted on the southern aspect of one of the dwellings.
Two Schwegler 1SP Sparrow Terrace nest boxes mounted on the northern aspect of one of the dwellings.*

Biodiversity net gain will be provided by creation of:

- *Native species-rich hedgerow, which is a UK BAP Priority habitat.*
- *Provision of features that support potential habitat for:
Bats (foraging habitat and roosting sites).
Birds (foraging habitat and nesting sites).
Nectar and pollen-feeding invertebrates including butterflies.*

- 5.10.4 *Derbyshire Wildlife Trust has considered the scheme and advised that; The revised layout does not appear to have any ecological implications. It is not clear which dwelling(s) the bat box and a sparrow terrace will be attached to. I would also note that the ecology report recommends two sparrow terraces and the layout plan only states one. The locations for the bat box and two sparrow terraces should be clearly identified to ensure implementation on site.*
- 5.10.5 *On the basis of these comments and the submitted report it is considered that through landscaping of the site with specimen trees as shown on the layout plan, along with bat boxes and sparrow terraces, all of which can be secured by condition, the proposed scheme is considered to have a beneficial impact in terms of biodiversity in accordance with Policy CLP16 of the Adopted Local Plan.*
- 5.10.6 *The application site appears to have self seeded over the years the land has been vacant. In recent times the site has been cleared. There are trees located on the western border of the site.*
- 5.10.7 *The Council's Tree Officer has considered the application and noted that; A site layout plan reference 20-812-01 by Mitchell & Proctor dated November 2020 has been submitted with the application. No tree survey has been provided but is clear from the drawing that one property to the north-west of the development site may fall within the Root Protection Area (RPA) of the belt of trees on the neighbouring land. Proposed car parking bays and other hard surfaces may also fall within the tree RPA. The proposed development will not have any detrimental effects on the retained trees on the neighbouring land but there may be some root disturbance and the need to carry out some facilitation pruning to remove any overhanging branches. Further details will therefore be*

required if consent is granted to the application to safeguard the rooting environment of the trees and have affective control over any pruning proposed. A condition is therefore recommended to safeguard the trees on the neighbouring land. A detailed landscaping scheme should also be provided and attached as a condition which enhances the area and provides suitable wildlife benefits for the site and surround area.

- 5.10.8 On the basis of these comments it is considered that subject to conditions the scheme will not result in adverse impacts on nearby trees and the proposal is therefore acceptable in terms of policy CLP16 of the Adopted Local plan.

5.11 Ground conditions

- 5.11.1 Policy CLP14 requires that; Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use.
- 5.11.2 *The Coal Authority initially considered the scheme and raised objection due to the lack of a Coal Mining Risk Assessment. The report was then submitted to which the Coal Authority responded; **Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that possible unrecorded mine workings associated with the Sough Coal seam pose a potential stability risk to the proposed development. Any workings associated with the deeper Furnace Coal and underlying coal seams are not considered to pose a risk to the development. The Coal Authority is pleased to note that the report goes on to recommend that intrusive ground investigations, in the form of boreholes, are carried out in order to confirm the depth, thickness and condition of the Sough Coal seam and to inform any necessary remedial measures. Conditions recommended.***
- 5.11.3 In regard to potential land contamination the Council's Environmental Health Officers have requested a condition for site investigations to take place.
- 5.11.4 Based on the proposed conditions recommended by the Coal Authority and Environmental Health, it is considered that the mining legacy in terms of land stability and potential contamination is appropriately considered in accordance with policy CLP14 of the Adopted Local Plan.

5.12 Drainage

- 5.12.1 Policy CLP13 requires that; *The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere, and goes on to note that; Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.*
- 5.12.2 Yorkshire Water have raised no objection to the proposal but have recommended conditions in terms of the provision of separate foul and surface water provision and appropriate surface water run off rates.
- 5.12.3 The Council's Design Services team have noted that soakaways in this location may not be suitable and therefore investigation should take place.
- 5.12.4 The Lead Local Flood Authority initially raised objection to the proposal due to lack of information. Following the submission of a detailed drainage report the LLFA recommended a series of conditions to ensure appropriate management of surface water.
- 5.12.5 Subject to the conditions recommended by consultees and imposing a water efficiency condition it is considered that the proposal is acceptable in accordance with Policy CLP13 of the Adopted Local Plan.

5.13 Development Contributions and CIL Liability.

- 5.13.1 The proposed development is liable for the Community Infrastructure Levy (CIL), subject to any exemptions that may be applied for. The site is located within the low CIL charging Zone as set out in the Council's Charging Schedule ([Community Infrastructure Levy \(CIL\) \(chesterfield.gov.uk\)](http://chesterfield.gov.uk)). The CIL charge is calculated as follows:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate (B)} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

The liability from the previous scheme was as follows and will need to be updated for the revised scheme for which an updated CIL form is awaited.

			A	B	C	D	E
Development Type	Proposed Floorspace (GIA in Sq.m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq.m)	CIL Rate	Index (permission)	Index (charging schedule)	CIL Charge
Residential (C3)	962	0	962	£20 (Low Zone)	333	288	<u>£22,246</u>

5.13.2 As the proposal is for 9 units affordable housing provision is not required.

6.0 **REPRESENTATIONS**

6.1 Five comments have been received from two parties and are summarised below:

Response to original scheme:

- Impact on traffic and highways
- Visual impact
- Concern for school in terms of access, parking and overlooking school and road safety.
- Need to see site elevations and layout
- Site drainage appears to be ‘off-grid’
- Concerned regarding siting soakaways near our property
- Foul drainage
- Street lighting layout as there need to be adequate illumination and security for duty of care to residents and safety of pedestrians and traffic.
- Trees on the site have been felled without notice
- Damage to south boundary wall with two severe longitudinal cracks.
- Tree roots are still in place old drains may be too, west boundary is in a poor state.
- There is a juxtapose of architectural styles.
- If the design was more sympathetic towards such an architectural asset within our village this would be beneficial.

- Space created to provide parking alongside the Old Chapel is welcome but raises concerns regarding noise, car doors, late nights, attraction point for trespass, eyesore of litter accumulation.
- The windows to the Old Chapel are tall bridging ground and first floor so there are privacy concerns.
- Already difficulties with school parking and bins, there is inadequate provision here.
- Development in the area has already impacted on traffic hazards with volume of traffic, poor parking making the area outside the entrance hazardous.
- The existing road surface here is poor construction traffic would further destroy the tarmac and there is no lorry gritting.
- Vibrations from the site, transport and machinery may affect the structure of the Old Chapel.
- ‘Each way’ turning from the site should not be allowed.
- With over 500 people expected to the village we have little in the way of resources to accommodate these.
- What other plans are proposed for our village?

Response to originally amended scheme:

- The two plots adjacent to the Old Chapel have been amended and are more sympathetic and in keeping with the heritage of the Old Chapel.
- The elevation to Plot 1 Type A to the Chapel is abrupt diminishing both dwellings benefits of privacy and could be improved. The plot would be better rotated 45 degrees.
- There appears to be conflict with the off-road parking to the Old Chapel.
- Plot 2 appears to project beyond the building line.
- The treatment of the path in relation to the road layout is unclear.
- On road parking for the public will be lost in this layout.
- There is an absence of drainage layout and street lighting details.
- Remain concerns about the construction work impacts on the Old Chapel.
- The overall site impression is agreeable subject to the remaining matters being resolved.
- The area for our private parking is directly in front of The Old Chapel and is outside the application site, but is abutting the proposed driveway to Plot 1, and therefore impacted by it. The existing demarking kerbs are in line with The Old Chapel boundary wall. It is unclear as to the detail proposed for the required vision splays to Plot 1 driveway, as these are not drawn on Site Layout, and I am

concerned as to how these may be implemented and not affect in any way, The Old Chapel frontage.

Response to amended scheme following planning committee:

- The wide verge/vision splay to mirror the opposite side of proposed driveway to Plot 1, would ensure safety and function of driveway and our parking.
- The proposed plots' aesthetic now has an adverse impact on the street scene.
- The original planning consent must remain unrevised.
- Safety of vehicles is compromised turning into Plot 1, it being a 'pinchpoint' when residents are accessing/egressing this driveway into oncoming traffic and will be unnecessarily hazardous.
- Concerns regarding visibility from the access.
- Cottage Close is extremely busy during school hours, the extended verge/footpath detail encroaches on existing road width, narrowing it to one lane.
- The nearby public footpath through fields to Duckmanton has no 'pedestrian-only' barriers to prohibit motorbikes which is a safety hazard.
- Suggest that restrictive street furniture is put in place to prevent this but also to route pedestrians to opposite side of Cottage Close using hard landscaping, encouraging them not to walk on existing grass verge.
- Cars already are using this grass verge as overflow parking.
- Concerns regarding the crack in the boundary wall remain, it urgently needs rebuilding.
- We oppose the above requested planning revision.

Officer Response:

The concerns raised have been addressed in the report above.

In terms of works to the adjacent footpath it is not considered that this development in itself justifies the provision of additional works to a footpath that is remote from the application site. However, the concerns have been passed onto the Highway Authority who are responsible for public rights of way and any associated safety issues.

7.0

HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom

7.2 It is considered that the recommendation is objective and in accordance with clearly established law.

7.3 The recommended conditions are considered to be no more than necessary to control details of the development in the interests of amenity and public safety and which interfere as little as possible with the rights of the applicant.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

8.1 The following is a statement on how the Local Planning Authority (LPA) has adhered to the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 in respect of decision making in line with paragraph 38 of 2019 National Planning Policy Framework (NPPF).

8.2 Given that the proposed development does not conflict with the NPPF or with 'up-to-date' Development Plan policies, it is considered to be 'sustainable development' and there is a presumption on the LPA to seek to approve the application. The LPA has used conditions to deal with outstanding issues with the development and has been sufficiently proactive and positive in proportion to the nature and scale of the development applied for.

8.3 The applicant /agent and any objectors/supporter will be notified of the Committee date and invited to speak, and this report informing them of the application considerations and recommendation /conclusion is available on the website.

9.0 CONCLUSION

- 9.1 This is a sustainable location for residential development which will lead to an enhancement of the site and surroundings in line with the objectives of the regeneration priority areas.
- 9.2 The amended scheme has addressed concerns in relation to design, amenity impacts and highway safety. The site is acknowledged to be of limited biodiversity value which will be enhanced through landscaping and bat and bird box provision as recommended. Matters of site stability, contamination and drainage can all now be appropriately considered through recommended conditions.
- 9.3 The development will be CIL liable for which an updated CIL form is awaited.
- 9.4 Subject to conditions the proposal is considered to meet the policy requirements of the Adopted Local Plan and is therefore recommended for approval.

10.0 RECOMMENDATION

- 10.1 That the application be **GRANTED** subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).

- Location Plan 20-812-12 received 20.11.2020
- Amended plans received 03.08.2021 (in relation to house types A, C, D and E(b) (in relation to plots 8 and 9) only.
- Site Layout Plan 20-812-01E received 23.03.2022
- Street scene plan 20-812 7 Rev A
- Plot 3 house type E (a) (plot 3 only)20-812-005 received 23.03.2022

- Plot 4 house type E (a) (plot 4 only) 20-812-007 received 23.03.2022
- Drainage Strategy dated October 2021 received 22.10.2021
- Coal Mining Risk Assessment received 20.01.2021
- Ecological Appraisal received 11.01.2021

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

4. A residential electric vehicle charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

5. Prior to development commencing, an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.

Reason – This is a pre commencement condition in order to support the regeneration and prosperity of the Borough, in accordance with the provisions of Policy CLP6 of the Adopted Local Plan.

6. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with Policy CLP14 of the Adopted Local Plan.

7. Prior to the plot 1 hereby permitted being occupied the south eastern side of the bay to the first floor window within the front elevation gable of Plot 1 shall be installed with obscure glazing and with no opening part being less than 1.7 metres above the floor level immediately below the centre of the opening part. The obscure glazing shall be obscured to a minimum of Pilkington - Privacy Level 4 or an equivalent product. Once installed the glazing shall be retained as such thereafter.

Reason - To safeguard the privacy and amenity of the occupiers of the adjoining property in accordance with Policy CLP14 of the Adopted Local Plan.

8.
 - a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
 - b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
 - c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
 - d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination

Proposals' shall be submitted to and approved in writing by the Local Planning Authority;

e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with Policy CLP14 of the Adopted Local Plan.

9. a) Prior to installation, details of a proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.
b) All works shall be fully implemented in accordance with the approved scheme before first occupation.

Reason - To ensure that the development does not appear as an unduly prominent feature in the area and in the interests of amenity/biodiversity/habitats in accordance with policies CLP14 and 16 of the Adopted Local Plan.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason - To ensure that no surface water discharges take place until proper provision has been made for its disposal in the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

12. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason – To ensure appropriate site stability due to former Coal Mining Activity in accordance with Policy CLP14 of the Adopted Local Plan.

13. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason – To ensure appropriate site stability due to former Coal Mining Activity in accordance with Policy CLP14 of the Adopted Local Plan.

14. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees on the neighbouring land, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:
 - a) Location and installation of services/ utilities/ drainage.

- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the neighbouring retained trees.
- d) a full specification for the installation of boundary treatment works.
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) a specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires
- k) Boundary treatments within the RPA
- l) Methodology and detailed assessment of any root pruning The development thereafter shall be implemented in strict accordance with the approved details.

Reason - Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained on the neighbouring land will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality pursuant to section 197 of the Town and Country Planning Act 1990 and Policy CLP16 of the Adopted Local Plan.

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be

landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) details of all boundary treatments to include hedgehog gaps
- 3) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) use within tree Root Protection Areas (RPAs);
- 4) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 5) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. All soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason - Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies CLP16 and 20 of the Adopted Local Plan.

16. Prior to occupation of the dwellings hereby approved details of the locations of appropriate ecological enhancements in the form of bat boxes and sparrow terraces, shall be submitted to and agreed in writing by the Local Planning Authority, the agreed details shall be installed on site within one month of completion of the development and shall be retained on the dwellings repaired and replaced as necessary.

Reason – To ensure biodiversity enhancement of the site in accordance with Policy CLP16 of the Adopted Local Plan.

17. Before any other operations are commenced, excluding construction of any temporary access, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out, constructed and retained free from any impediment to their designated use throughout the construction period.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

18. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

19. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc.
- Hours of operation – with deliveries being avoided during school drop off/pick up time.
- Method of prevention of debris being carried onto highway.
- Pedestrian and cyclist protection.
- Proposed temporary traffic restrictions.
- Arrangements for turning vehicles.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

20. Before any other operations are commenced a new vehicular and pedestrian access shall be formed to Cottage Close in accordance with the revised application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centreline of the access, for a distance of 43 metres in both directions for the main access and fronting parking spaces and 2.4 metres x 43 metres in the non-critical direction and 2.4 metres to the bend in Cottage Close in the critical direction from the driveway to Plot 1 measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1 metre in height (0.6 metre) in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

21. The ‘main’ access to the development, the driveway to Plot 1 and the parking spaces directly off Cottage Close shall be provided with 2m x 2m x 45° pedestrian intervisibility splays, to the rear of the highway, prior to the occupation of the dwellings. The splay areas shall be maintained throughout the life of the development clear of any object greater than 0.6 metre in height relative to the footway level.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

21. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised application drawing for cars to be parked (parking space 2.4m x 5.5m clear of any shared/manoeuvring area) and for vehicles to turn (including smaller service/delivery vehicles) so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or

without modification) There shall be no gates or other barriers installed on the access or driveways.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

23. The proposed access to Cottage Close shall be no steeper than 1:20 for the first 5m from the nearside highway boundary and 1:14 thereafter. Individual drives shall be no steeper than 1:14.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

24. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason – In the interests of highway safety in accordance with Policy CLP22 of the Adopted Local Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) there shall be no additional windows installed into the upper floor side elevations of any of the dwellings hereby approved or the ground floor side elevations of plots 1 and 2 without the grant of further specific planning permission from the Local Planning Authority.

Reason – In the interests of residential amenity in accordance with policy CLP14 of the Adopted Local Plan.

25. Details of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with Policy CLP20 of the Adopted Local Plan.

26. Prior to the occupation of the first dwelling details of the management of the shared spaces including the highway shall be submitted to and agreed in writing by the Local Planning Authority.

Reason – In the interests of highway safety and maintenance in accordance with policy CLP22 of the Adopted Local Plan.

27. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Drainage Strategy Report dated October 2021, Doc Ref: ADC-1571-01-DS-001 “including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team”

b. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

28. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason - To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

29. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason - To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

30. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason - To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.

2. In regard to tree condition 14; The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work – Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations

3. In regard to tree condition 15; The following British Standards should be referred to:
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work – Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use

4. Highways:
 1. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action.
 2. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
 3. The following clause shall be included in the deeds of the dwellings to ensure that at no time will adoption of any part of the access road be sought:

“The lessee or purchaser shall not at any time, either alone or jointly with others, seek adoption of any part of the driveway intended to serve

the development as a highway maintainable at the public expense, it being the intention that same shall at all times remain private up to the point where the same abuts the publicly maintainable highway”.

4. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreement may be obtained by emailing kevin.barton@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement

5. The applicant is advised that to discharge condition 24 that the local planning authority requires a copy of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

5. Yorkshire Water:

1.) The submitted Drainage Strategy (ref ADC-157-01-DS-001) prepared by Inspire, dated October 2021 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that a.) Foul water will discharge to public combined water sewer b.) Sub-soil conditions likely do not support the use of soakaways due to the presence of coal deposits, however infiltration testing have yet to be carried out. c.) A watercourse exists near to the site however is not accessible due to levels. d.) Surface water will discharge to public surface water sewer via storage with restricted discharge 5 litres/second - this is based on a generally assumed minimum discharge rate of surface water discharge, however Yorkshire Water consider the minimum rate to be 3.5 litres per second. We would also consider this site to be greenfield rather than brown as satellite imagery shows the site to not have been developed for some considerable time - at least since 2009. e.) The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development.

2.) The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. a.) Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before

considering disposal to public sewer. b.) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed. c.) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal. d.) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water network at a restricted rate not to exceed 3.5 litres per second.

3.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

6. Lead Local Flood Authority:

A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.

C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the

resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice

for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its

presence. Cellular storage and infiltration systems should not be positioned within the highway.

- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

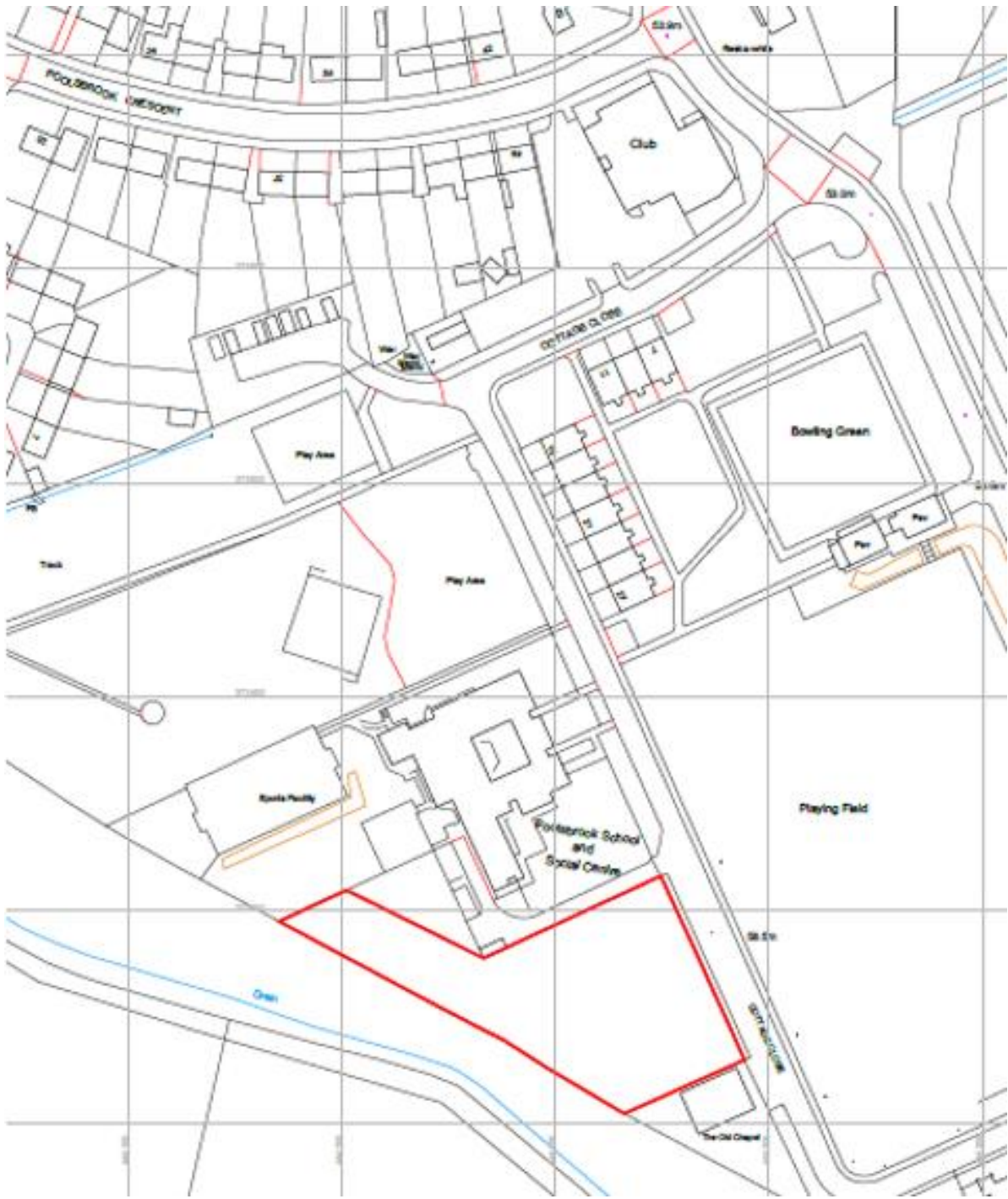
Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the

construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

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Item 3

Case Officer: CW
CHE/21/00446/FUL

Application No:

**PROPOSAL: ERECTION OF A RESIDENTIAL DWELLING - REVISED
DRAWINGS RECEIVED 05.10.2021 AND 18/01/22**

**LOCATION: LAND ADJACENT 5 MARY ANN STREET, SHEEPBRIDGE,
CHESTERFIELD for MR DAVE ROBERTS**

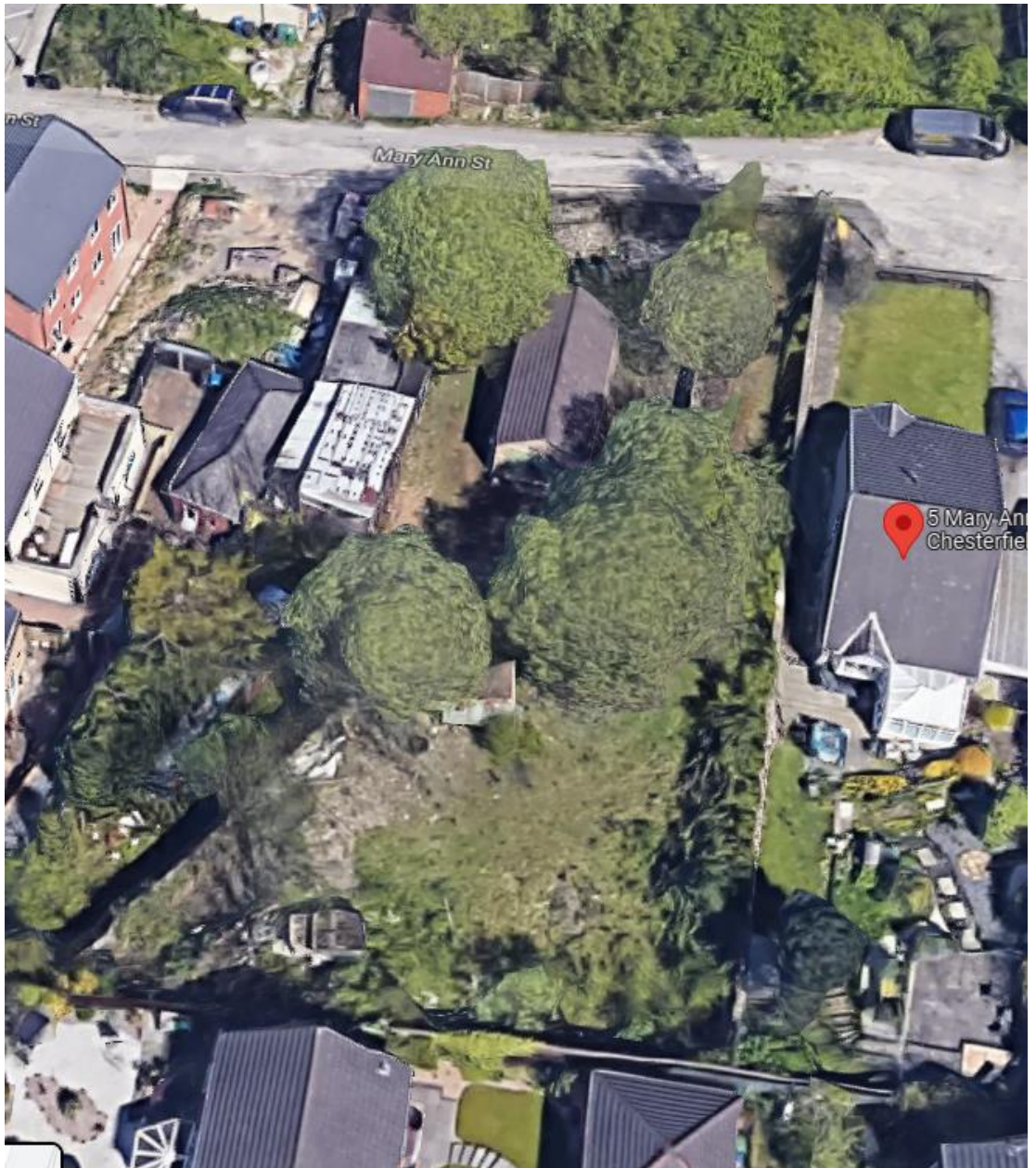
Date: 24.03.2022

1.0 CONSULTATION RESPONSES

Ward Members:	No comments received
Design Services Drainage	No objections, subject to conditions regarding drainage and surface water drainage
Coal Authority	Not consulted, as low risk area
Strategic Planning	No objection to principle, but request inclusion of conditions
Derbyshire Wildlife Trust	Not consulted
Local Highways Authority	Request more information
Tree Officer	No objection, subject to conditions re landscaping
Environmental Health	No objection, subject to conditions regarding noise, lighting, air quality and land contamination.
Representations	3 representations received. Objecting on the grounds of the poor quality of the access road and the potential for the scheme to make this worse.

2.0 THE SITE

- 2.1 The site subject of this application is situated to the eastern side of Sheffield Road and to the southern side of a private road called Mary Ann Street. It is in a residential area and is surrounded by housing on all sides. The site has several single storey outbuildings on it but is also overgrown and unmanaged and has no clear purpose, other than the storage of waste and for burning waste. The site is also split level, with an access track from Mary Ann Street up to a raised platform area to the south of the site. There is also an access track from Sheffield Road into the lower section of the site, which is part of the blue line area of the site.
- 2.2 Mary Ann Street is a private road and is of a poor standard.
- 2.3 The site has several mature trees and shrubs on it.



Google Satelite view 2022

- 2.4 The area surrounding the site has a mixed architectural style, with 3 detached bungalows to the east on Mary Ann Street, two storey semi-detached and terraced dwellings on the front of Sheffield Road to the north-west, two storey semi-detached dwellings and buildings for flats to the west and a small housing estate of detached two storey dwellings to the south.

3.0 SITE HISTORY

- 3.1 CHE/19/00651/FUL - Erection of two new bungalows – Withdrawn – 17/12/19

3.2 There appears to be a complicated history to the site, with several applications for this site and the surrounding area. There is some history of separate applications for a garage/store and bungalow on site, but they do not appear to be linked in anyway, and there is no possibility for the bungalow to be built in relation to a commenced permission related to the garage/store on site.

4.0 THE PROPOSAL

4.1 The application seeks consent for the erection of a detached dwelling which would be two storeys in the main section and a single storey front and side wrap around section. The main roof of the dwelling would have a pitched roof with a projecting two storey section to the front. The side section would have a hipped roof. The materials would be red brick and flat grey tiles.

4.2 It would have 4 bedrooms and a bathroom on the first floor and a lounge, kitchen/diner, utility room, garden room and garage on the first floor.

4.3 It would have parking to the front for 2 vehicles which are over 6m in length. The internal measurements of the garage are 3.3m width and 7.9m length.

4.4 The site has a rear garden of over 200sqm in size, but this includes a split-level part of the site that is accessed from a ramp to the side of the site.

4.5 The proposal has been altered since the original scheme, with the original development including an additional 1st floor section to the side initially, and then a single storey front section added, with the materials including tile hanging to the front elevation initially.

4.6 Precise information about proposed land levels post development, boundary treatments, landscaping, biodiversity are unclear from the submitted drawings.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant

Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.4 Chesterfield Borough Local Plan 2018 – 2035

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP13 Managing the Water Cycle
- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the demand for travel

5.5 National Planning Policy Framework 2021

- Part 2. Achieving sustainable development
- Part 4. Decision-making
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.6 Supplementary Planning Documents

- Successful Places' Residential Design Guide

6.0 CONSIDERATION

6.1 Principle of Development

- 6.1.1 The Council's Strategic Planning team was consulted on the scheme and they provided the following comments:
The site is not allocated for any specific use on the adopted Local Plan policies map. It is within the built-up area as identified on the Policies Map.
Principle of development
The principle of development should primarily be assessed through the application of policies CLP1 and CLP2. Primary amongst these considerations is that new development should be directed to regeneration areas and those within walking distance of a range of key services. The site is not within a Regeneration Priority Area. The Council's Residential Design SPD sets out (on page 41) what a walkable neighbourhood is in terms of distances to key services, and there are upper and lower travel times included in the DfT indicators In terms of the SPD, the

site is above the recommended walking distances to primary and secondary schools, food stores, and town centre/supermarket. It is however within the lower threshold (ranging from 15-30 minutes) for all services when travelling by public transport (the site being within 400m of a bus stop) or on bicycle. The site is also adjacent to the route of the Key Cycle Network (CLP22). In addition, many facilities are accessible on relatively level, hard surfaced, lit and overlooked routes, and the site is located within an established residential part of the built-up area. Therefore, and considering the scale of the proposal, the limitations in terms on walking accessibility are not sufficient to warrant an objection in principle to this proposal.

With regard to policy CLP2 the proposal would not meet its criteria in particular criterion b), given that the site is not on 'previously developed land'. It is noted that there is a lapsed permission and that the site forms part of an area of land that would reasonably be considered to form the end of the cul-de-sac. No wider regeneration or sustainability benefit of any significance is likely (criteria c). The site only partially meets criteria d), but as commented in relation to CLP1, this needs to be balanced with the scale of development, location within the built-up area, quality of walking routes and proximity of bus services.

Notwithstanding the above, the proposal is required to meet other policy criteria for the proposal to be considered acceptable.

Biodiversity Net Gain

No information has been supplied in order to determine whether the proposal provides a net measurable gain in biodiversity, beyond an elevational drawing showing proposed provision of bird and bat boxes. The site appears to be well natured and borders an area of public open space beyond the railway line to the east. The applicant will need to provide sufficient information to determine the baseline value of the site.

Other matters

The development is CIL-liable. The site is situated within the Medium CIL charging zone where residential development would be subject to a charge of £50 per m² (index linked). The applicant should be asked to complete and return a CIL form 1

In Summary, the proposal does represent some conflict with CLP1 and CLP2 due to the limited walking accessibility to some key services and the greenfield nature of the site. It is however within an established residential built-up area, of small scale, and close to good public transport links and proposed cycle route. In addition, the site is within 15 minutes travel time (bus) of essential services and facilities, the site is not on land protected by the Local Plan for Green Infrastructure, Biodiversity or other open land functions and

its loss would not have an impact on the intrinsic character and openness of the countryside or the general level of amenity of the locality

- Overall the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area therefore broadly accords with the strategy of 'concentration'

- The proposal would be broadly consistent with the requirements of the NPPF and on this basis there is no objection in principle to this proposal.

Should the development receive permission conditions will be required to ensure that the detailed design of any dwelling:

- meets the optional Building Regulation water efficiency standard of 110 litres per occupier per day (CLP13)*
- provides a measurable net gain for biodiversity (CLP16)*
- incorporates an electric vehicle charging point (CLP22)*

6.1.2 The proposed development site is situated within a residential area and is within close access to a regular bus service. Overall, the proposal would not prejudice the local plan's spatial strategy and strategic objectives and is within the built up area, therefore broadly accords with the strategy of 'concentration'. The proposal would be broadly consistent with the requirements of the NPPF and on this basis there is no objection in principle to this proposal, subject to conditions.

6.2 Design and Appearance of the Proposal

6.2.1 Local Plan policy CLP20 states in part; all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

6.2.2 The proposal is for a 2 storey red brick detached dwelling. The existing site is overgrown in part and is used for storage. There is an existing stone built outbuilding on site, which is used for storage.

6.2.3 The surrounding vicinity includes a mix of most house types and materials; to the east there are detached bungalows (including large extensions), to the west there is the redevelopment of the vacant pub into flats and infill developments for two storey buildings for flats and houses, to the north-west there are terraced-style dwellings adjacent to Sheffield Road and a hotel and second

hand car sales garage, to the south there is a cul-de-sac of modern two storey detached dwellings. In regards materials there is the full spectrum, with red-orange bricks, cream render, yellow brick, natural aged stone, light brown bricks, cream wire cut stone, a mix of renders colours and red brown bricks. Most of the buildings are pitched roofed, although some of the houses on the new estate to the south also include projecting gables.

6.2.4 The proposal has been altered during the application from a two storey pitched roof dwelling, to be reduced in width and to have a hipped roof side and front section instead. The materials have also been altered to red brick and hanging tiles to just red brick with lintels and cills above some of the windows on the front elevation also. The design of the house is considered to be an improvement to the original scheme, with a reduced built form. As previously mentioned the range of dwelling types and materials ensure that there isn't a clear, distinct character for dwellings within the local area, with some poor material choices having a particularly negative impact. The exact choice of brick and roof tiles will need to be conditioned to ensure that a suitable choice is used.

6.2.5 The proposal has included some information about boundary treatments, including a 2.1m high close boarded fence surrounding the red line area of the site, but after discussions with the applicant and visiting the site this does not make sense nor seem very realistic. The levels on site and the situation surrounding the site, as well as the adjoining section of owned land to the south, make the submitted information seem inappropriate resulting in a 2.1m high wooden fence surrounding the red line area as not acceptable, and that further details/clarification is required post decision. There are no details of what is proposed to the front of the site, and the applicant is reminded that a 1m high wall/fence is considered acceptable in such a location.

6.2.6 The officer considers that the site and surrounding area has a complicated history with piecemeal development over time negatively impacting the area. The proposed house will not be highly visible from Sheffield Road but will add to the mix of dwelling types and styles in the area. It is therefore considered that the proposal would not cause significant adverse impacts on the visual amenity and character of the area. The proposal therefore accords with the provisions of policy Local Plan policy CLP20, subject to condition regarding materials and boundary treatments.

6.3 Residential Amenity

- 6.3.1 Local Plan policies CLP14 and CLP20 require development to have an acceptable impact on the amenity of users and neighbours.
- 6.3.2 The site is a split-level site with the general topography of the area including an incline from west-east. this ensures that the bungalows to the east are raised up above the site, albeit with planting to the side and the dwellings and flats to the west are below the site, but also includes some level of planting, including large, mature trees to the south-west of the site. It is also unclear at present what the intentions are for the raised platform, which is partially included in the red line boundary of the site. On a site visit the applicant stated that the entirety of the area would be used as a garden space, as they own the whole of the site (which is shown in the blue line), but this is not part of the application site, which only includes a landscaped ramp to the eastern side and the front corner of the platform. It is unclear what the longer terms plans are for this part of the site.
- 6.3.3 In terms of overlooking the main windows in the dwelling are to the front and rear, and there are no dwellings to the front or rear which could lead to an issue in this regard. In regards overshadowing the site would not impact surrounding residents. In terms of massing it will be a change from the current situation with the residents of the flats and house to the west both having reduced outlooks, but these are considered to have reasonable separation distances between themselves and the new dwelling so the impact is not so severe (18-21m) that a refusal of permission can be justified. No objections have been provided on this issue. The proposal includes reasonable levels of outlook and an acceptable sized amenity space for a dwelling of its size. A condition can be included to restrict future building on site to ensure no windows or extensions are built which could impact surrounding residents. The proposal is acceptable in terms of residential amenity and is in line with policy CLP14, as well as the revised NPPF.

6.4 Flood Risk, Drainage and Stability of River Bank

- 6.4.1 The site is in a low risk area in relation to risk of flooding. CBC's drainage team have been consulted on the scheme. Any new connection will require prior approval from Yorkshire Water. The site should utilise separate systems of foul and surface water and further information is required in regards the proposed use of

soakaways. This ensures that the proposal is acceptable in relation to Policy CLP13 of the Local Plan.

6.5 Highways Safety

- 6.5.1 Local Plan policy CLP20 and CLP22 require consideration of parking provision and highway safety. The Local Highways Authority provided this response to their consultation:
The proposal seeks the erection of a 4no bedroom dwelling with an integral garage and the creation of a new vehicular access to Mary Ann Street.
The application site is located in close proximity to the cul-de-sac of Mary Ann Street which is an unadopted road where vehicle speeds are unlikely to exceed 20mph. Mary Ann Street is not included within the red outline boundary, therefore, the Highway Authority would raise question as to whether vehicular access would be available to the dwelling via this route, I trust you will ensure the applicant has rights of access to Mary Ann Street.
The proposed dwelling will result in an intensification in use of the vehicular access to Mary Ann Street off Sheffield Road. Sheffield Road (B6057) is subject to a 40mph speed limit, therefore, its recommended the applicant provides emerging visibility sightlines of 2.4m x 103m in both directions from the existing vehicular access off Sheffield Road, any lesser extents should be supported by the results of a traffic speed survey.
The Proposed Site Plan (2021-060-03) demonstrates 2no off-street parking bays in addition to the integral garage, which is sufficient to serve a 4no bedroom dwelling. Typically, off-street parking bays should be clearly demonstrated by dimensions, however, the Highway Authority is satisfied the appropriate dimensions can be secured by condition.
Each parking bay should measure a minimum of 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. wall, hedge, fence etc.
I trust you will ensure that the level of off-street parking satisfactorily meets your own Authority's requirements. An area of adequate dimension for standing of waste bins on refuse collection days should be provided adjacent to, but not within, Mary Ann Street to serve the proposed dwelling.
You may wish to ask the applicant to address the above comments relating to rights of access on Mary Ann Street to which I will be happy to comment upon in due course.
Alternatively, provided that you are satisfied that a satisfactory layout can be controlled by conditions, there are no highway objections to the proposal from the highway point of view, subject

to the following conditions being included in any consent granted in the interests of highway safety (not included here).

- 6.5.2 The officer has sought to clarify during the application that the applicant has access to the site from Mary Ann Street (which is a private road), and they have provided some evidence to confirm this. The state of the Mary Ann Street is considered to be extremely poor and is difficult for standard vehicles to safely drive across it. The applicant has suggested that they will upgrade the road after their dwelling is complete, in conjunction with other residents of the street. As this is a private road it is unclear what powers the planning authority has to ensure that these works are completed prior to occupation. The site is for a 4 bedroom dwelling and includes 2 spaces to the front of the house and one in the garage (all of these spaces adhere to parking space standards) accessed from Mary Ann Street and this is considered acceptable in this regard. The blue line area also includes an access track from Sheffield Road however it is unclear what role this will have in the future functioning of this house, but this is not stated to be the primary access for future residents on site.
- 6.5.3 The access issue is fundamental to the acceptability of the development, given that off-street parking is a requirement in this location and a redesigned scheme with access off Sheffield Road does not appear to be feasible. The development should not take place unless the applicant has secured a right of access in perpetuity for the off-street parking. The Local Planning Authority can apply a negatively worded condition to prevent development taking place until such a time when the necessary access rights have been secured. Whilst occupiers on Mary Anne Street have expressed concern regarding the deterioration of the access the applicant has confirmed that the intention is to resurface a part post the development. This is however a civil matter as the road is private however for planning purposes it is necessary to receive some confirmation that there is a reasonable prospect of such improvements being undertaken. Given that the applicant is to offer financial gain and improvements to the access surface and the response to this from the street owners has yet to be tested, it would not seem that there is 'no prospect at all'. It is considered appropriate to apply a negatively worded condition.
- 6.5.3 The application will include off-street parking arrangements for three vehicles, which is considered to be sufficient for the development, therefore on this basis the proposal is considered to

accord with the provisions of policies CLP20 and CLP22 of the Local Plan.

6.6 Biodiversity including trees and landscaping

- 6.6.1 Local Plan policy CLP16 states that all development will “protect, enhance, and contribute to the management of the boroughs ecological network of habitats, protected and priority species ... and avoid or minimise adverse impacts on biodiversity and geodiversity and provide a net measurable gain in biodiversity.” The NPPF in paragraph 170 requires decisions to protect and enhance sites of biodiversity and paragraph 174 also requires plans to “pursue opportunities for securing measurable net gains for biodiversity”.
- 6.6.2 The Council’s tree officer has been consulted on the scheme and provided these comments:
- There are no objections to the application to build one dwelling on the site and most of the tree cover has already been removed leaving a few Silver Birch and Goat Willow trees. The remaining trees are insignificant and could be removed in favour of a new landscaping scheme. General landscaping details have been provided on the site layout drawing 2021-060-03, however there are no details of the species, quantity and size etc. If consent is granted to the application, then the following landscaping condition should be attached (landscaping condition).*
- 6.6.3 Derbyshire Wildlife Trust was not consulted on the proposal. The site is a mixture of overgrown coniferous hedge trees, self-set trees and other unmanaged growth.
- 6.6.4 The officer has sought to clarify what the existing situation is on site and what is proposed post-development. It is considered that much of the tree and shrub growth on site has been removed or chopped back prior to application or when this report is being written, and that it is impossible to accurately assess what the original state of the site was. The existing and proposed site plans are not considered to be accurate, other than the removal of one semi-mature goat willow tree.
- 6.6.5 In response to further requests for biodiversity on site 2 bird boxes and 1 bat box has been suggested, with no mention of mitigation for the lost trees on site. It is considered that a detailed biodiversity and landscaping is required including a consideration of the lost

trees/shrubs on site. The entirety of the blue line area is very large, with sufficient space for tree and shrub replacement planting.

- 6.6.6 It is therefore considered reasonable and necessary to impose a condition for measures to secure further information on the biodiversity net gain/landscaping details for the site. On this basis the proposal is considered to accord with the provisions of policy CLP16 of the Local Plan.

6.7 Environmental Health - Land Condition / Contamination

- 6.7.1 Land condition and contamination need to be considered having regard to policy CLP14 of the Core Strategy.
- 6.7.2 The Council's Environmental Health team has reviewed the proposals and commented that they have no objections to the plans. It has been considered that conditions should be imposed placing restrictions on the hours of construction in the interests of protecting the amenity of neighbouring properties, as well as the inclusion of electric charging points, to reduce air pollution. A lighting condition has also been requested to control glare to nearby properties. The environmental services team also consider that the area is in an area with the potential to have land contamination issues and that a condition should be included to investigate this further.
- 6.7.3 In relation to noise from the construction of the proposed dwellings; the workers on site would be restricted with the working hours to be 8am-6pm Monday to Friday, 9am-5pm on Saturdays and no work on Sundays or Bank holidays. These restrictions will assist in limiting the noise from the site to normal working hours and reduce impacts in the interests of the amenity of local residents.
- 6.7.4 In respect of potential Coal Mining Risk, the site the subject of the application is situated within the low risk area. The Coal Authority was not consulted on this application and an informative will be included on the decision on this matter.

6.8 Community Infrastructure Levy

- 6.8.1 Having regards to the nature of the application proposals the development comprises the creation of new residential accommodation and the development is therefore CIL Liable.

6.8.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability has been calculated (using calculations of gross internal floor space [GIF]) as follows:

			A	B	C	D	E
Plot	Proposed Floor space (GIA in Sq.m)	Existing Floor space	Net Area (GIA in Sq.m)	CIL Rate	Index permission	Index charging schedule	CIL Charge
Plot 1	247 (officer)			£50	332	288	£14,237

$$\frac{\text{Net Area (A) x CIL Rate (B) x BCIS Tender Price Index}}{\text{BCIS Tender Price Index (at date of Charging Schedule) (D)}} = \text{CIL Charge (E)}$$

$$\frac{247 \times 50 \times 332}{288} = \text{£14,237}$$

6.8.3 The applicant for the scheme has filled in CIL forms 1 and 7 and is claiming a self-build exemption for the development, which means that development is unlikely to lead to a CIL payment.

7.0 REPRESENTATIONS

7.1 3 representations have been received in response to the application. The local residents are objecting on the grounds of the poor quality of the access road and the potential for the scheme to make matters worse.

Response

See para 6.5 above – The applicant is offering to surface a part of Mary Ann Street post the development however this could not be conditioned since Mary Ann Street is in private ownership and not in the full control of the applicant.

8.0 HUMAN RIGHTS ACT 1998

8.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:

- Its action is in accordance with clearly established law
- The objective is sufficiently important to justify the action taken
- The decisions taken are objective and not irrational or arbitrary
- The methods used are no more than are necessary to accomplish the legitimate objective
- The interference impairs as little as possible the right or freedom

8.2 The action in considering the application is in accordance with clearly established Planning law and the Council's Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

9.0 **STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT**

9.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with 'up-to-date' policies of the Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

9.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

10.0 **CONCLUSION**

10.1 Overall subject to conditions the proposal is considered to be acceptable in accordance with policies CLP1, CLP2, CLP13, CLP14, CLP16, CLP20 and CLP22 of the Local Plan, subject to relevant conditions.

11.0 **RECOMMENDATION**

11.1 It is therefore recommended that the application be **GRANTED** subject to the following conditions:

11.2 **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - The condition is imposed in accordance with section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non-material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Site Location Plan and Site plan (submitted 18/01/22)
 - Proposed Floor plans (submitted 18/01/22)
 - Proposed Elevations (submitted 18/01/22)

Reason - In order to clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by CLG November 2009.

3. The development hereby permitted shall not commence until a scheme which demonstrates that the development has secured a lawful right of vehicular access off Mary Ann Street in perpetuity, has been submitted to and approved in, writing by, the Local Planning Authority.

Reason - In the interests of highway safety and the free flow of traffic on the highway

4. No development above floor-slab/D.P.C level shall take place until a scheme (including a programme of implementation and maintenance) to demonstrate a net measurable gain in biodiversity through the development, shall have been submitted to and approved in writing by the Local Planning Authority. (The agent for the scheme stated that 1 bat box and 2 bird boxes; this is not considered satisfactory for the scheme, with replacement tree and shrub planting required on site, additional details shall include:
 - a) a scaled plan showing the trees and plants to be planted:
 - b) a scaled plan showing the trees and plants to be removed:
 - c) proposed hardstanding and boundary treatment (including details of variations to levels on site):
 - d) a schedule detailing species (to encourage wildlife), sizes and numbers of all proposed trees/plants
 - e) Sufficient specification to ensure successful establishment and survival of new planting.
 - f) Details of the types of bird boxes, bat boxes and bee bricks that are proposed.

Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

The net measurable gain shall be implemented, retained and maintained thereafter in accordance with the scheme and programme so approved.

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 175 of the National Planning Policy Framework

5. Prior to occupation of the development hereby approved, details of any floodlighting and uplighting shall be submitted to and approved by the Local Planning Authority. Such details shall include siting, angles, levels of illumination and any shields. The details shall be implemented in accordance with those approved and should ensure that the light falls wholly within the curtilage of the site and does not significantly impact upon wildlife in the area.

Reason: In regards residential amenity and ecology, in regards to policies CLP14.

6. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of contamination. Ground gas, ground water and chemical analysis, identified as being appropriate desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.

III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.

Reason: To protect the environment and ensure that the redeveloped site is reclaimed to an appropriate standard, in relation to policy CLP14.

7. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.

Reason: In the interests of residential amenity and CLP14

8. A residential charging point shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason: In the interests of air pollution and policy CLP14.

9. The dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 153 of the National Planning Policy Framework.

10. Before ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.

Reason: In regards visual amenity and policy CLP20.

11. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason - This pre commencement condition is required in the interests of highway safety in accordance with CLP20 and CLP22

12. At the commencement of operations on site (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed

designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – In regards highway safety and policies CLP20 and CLP22.

13. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of residents vehicles (each space measuring a minimum of 2.4m x 5.5m), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

Reason – In regards highway safety and policies CLP20 and CLP22.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the garage to be provided in connection with the development shall not be used other than for the parking of vehicles except with the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

Reason – In regards highway safety and policies CLP20 and CLP22.

15. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions, outbuildings or garages constructed, or additional windows erected or installed at or in the dwellings hereby approved without the prior written agreement of the Local Planning Authority.

Reason - In the interests of the amenity of occupants of adjoining dwellings, CLP14 and CLP20

- 16 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason - In the interest of satisfactory and sustainable drainage in accordance with Policy CLP13 of the Adopted Local Plan.

17. The development shall include a scheme for the provision of surface water run-off on site, either via the use of a SUDs channel or permeable block paving. If this is not possible the applicant is required to contact the Local Planning Authority to discuss alternative options; and then not complete works until an alternative solution has been agreed in writing by the LPA. The scheme shall incorporate sustainable drainage principles and shall be implemented in full.

Reason - To prevent the increased risk of flooding, in relation to policy CLP13.

18. The development shall not commence above floor-slab/D.P.C level until details of a sustainable drainage scheme have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority. This shall any include the calculations of soakaway rates on site.

Reason – To ensure that the proposed drainage method is realistic on site and acceptable in relation to CLP13.

11.3 Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. When you carry out the work, you must avoid taking, damaging or destroying the nest of any wild bird while it is being built or used, and avoid taking or destroying the egg of any wild bird. These would be offences (with certain exceptions) under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.
3. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife

and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000.

4. In accordance with condition 3, appropriate ecological/biodiversity enhancement measures shall include but shall not be limited to:

- bird/owl/bat boxes

(Locating your nest box: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance. You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning. The number of nest boxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.

Do not place your nest box close to a bird table or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)

(Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats
- measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance
- holes in fences and boundary treatment to allow species such as hedgehog to move across the site
- bee bricks

5. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
6. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from coal mining. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological fissures; mine gas and previous surface mining sites. Although such hazards are often not readily visible, they can often be present and problems can occur as a result of development taking place, or can occur at some time in the future.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required, be submitted alongside any subsequent application for Building Regulations approval.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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Quantity	Material	Unit
1000	BRICKWORK	M ²
1000	CONCRETE	M ²
1000	PAVING	M ²
1000	ROOFING	M ²

PLANNING LAYOUT 1:200

B-10/08/21 - Red line revised - additional garden area shown
 A-11/08/21 - Tree removal shown (will not be added)



NOTES

ALL DIMENSIONS TO BE CHECKED ON SITE

ALL SUBJECT TO STRUCTURAL ENGINEERING CALCULATIONS TO BE MADE IN CONNECTION WITH CONSTRUCTION SPECIFICATION

DO NOT SCALE FROM THIS DRAWING EXCEPT FOR THE PURPOSES OF LOCAL AUTHORITY PLANNING

IF ANY CONDITIONS ARE SHOWN TO APPLY TO ANY PART OF THIS DRAWING OR DESIGN, THE CLIENT WILL NOT BE HELD ACCOUNTABLE FOR NON-COMPLIANCE OF PLANNING AND BUILDING REGULATIONS

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ITEM 4

CONSTRUCTION OF 4 TWO BED APARTMENTS WITH ASSOCIATED PARKING AND AMENITY SPACE LAND ADJACENT TO 65 ST JOHNS ROAD FOR HARDWICK NOMINEES LTD

Local Plan: Unallocated in the defined built up area

Ward: Dunston

1.0 CONSULTATIONS

Ward Members No objections from Councillor Simmons

Local Highways Authority Proposal seeks access from Poplar Place which is not adopted highway. Comments given on the basis that the proposed improvements can be delivered. Visibility from the access onto St John's Road is substandard and the area subject of the application seeks to improve/maximise visibility in the direction of traffic flow. Only one space is provided per dwelling whereas two spaces are recommended for two/three bedroom dwellings. On street parking is suggested to be heavily utilised and there is likelihood of increased competition for parking if proposal granted. Dimensions of parking spaces should be increased with space for manoeuvring. If minded to approve conditions covering a construction management plan/method statement, creation of improved access with visibility sightlines, parking provision, no gates/barriers and gradient of parking spaces.

Design Services Drainage Site not shown to be at risk of flooding. Site to be developed with separate systems of foul and surface drainage. Percolation/infiltration tests required to demonstrate soakaways are feasible and drainage calculations to prove soakaway sizing

The Coal Authority The Authority concurs with recommendations of submitted Coal Mining Risk Assessment and recommends the imposition of conditions covering pre-commencement intrusive site investigations

and associated remediation/mitigation works and a condition requiring the submission of a statement or declaration that the site is safe and stable prior to occupation of the development.

Yorkshire Water	No objections, condition required covering disposal of surface water
Environment Agency	The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site which the EA wish to formally comment upon.
Derbyshire Wildlife Trust	No ecological information submitted, no known records of protected species some records of invasive species. Main constraints nesting birds and hedgehogs, potentially badgers and amphibians could use site. Conditions recommended covering site clearance under a Method Statement and biodiversity enhancement plan
Strategic Planning	Site is within built up area, not subject to specific allocations/designations, site is within reasonable walking distance of range of facilities and facilities at Whittington Moor District Centre with public transport connections. The principle of residential development on the site therefore accords with the spatial strategy of the Local Plan as described in policies CLP1 and broadly accords with policy CLP2. Conditions covering water efficiency (CLP13), Biodiversity net gain (CLP16), design (CLP20) and electric vehicle charging (CLP22) should be imposed. The development will be CIL liable.
Environmental Health	No objection submitted report requires Phase 2 contaminated land investigation required. Conditions recommended covering hours of construction/work, air quality and electric vehicle charging
Representations	5 representations received – see report

2.0 THE SITE

- 2.1 The site subject of this application is situated on the south side of St Johns Road to the west of No 65 St Johns Road. A private drive leading to Poplar Place and a shared parking area forms the western boundary. Nos 1 – 4 Poplar Place are situated to the south/south west of the site. The immediate streetscene predominately comprises of traditional Victorian terraces. A public house known as 'Steelmelters Arms' is situated to the north of the site on the opposite side of the public highway.
- 2.2 The site is in a sustainable location in walking distance to a range of services and facilities at Whittington Moor District Centre and in proximity to a primary school. The application site is within the defined Built up Area and is unallocated on the Chesterfield Borough Council adopted local plan policies map 2018-2035



Extract of submitted location plan ©



Aerial photograph taken from Google maps ©



Photo taken from St Johns Road facing south



Photo taken from private drive leading to Poplar Place

- 2.3 The plot is broadly rectangular in shape covering approximately 0.0678 hectares in area (678m²). The plot is relatively overgrown and land levels within the site slope gradually towards the eastern boundary. The site is partially enclosed by a brick wall to the north and west. A low-level timber fence forms the southern boundary and a brick wall with timber panel forms the remaining boundary to the east.



Photo taken from private drive facing north towards St Johns Road



Photo of shared parking area to the south of the site

3.0 **SITE HISTORY**

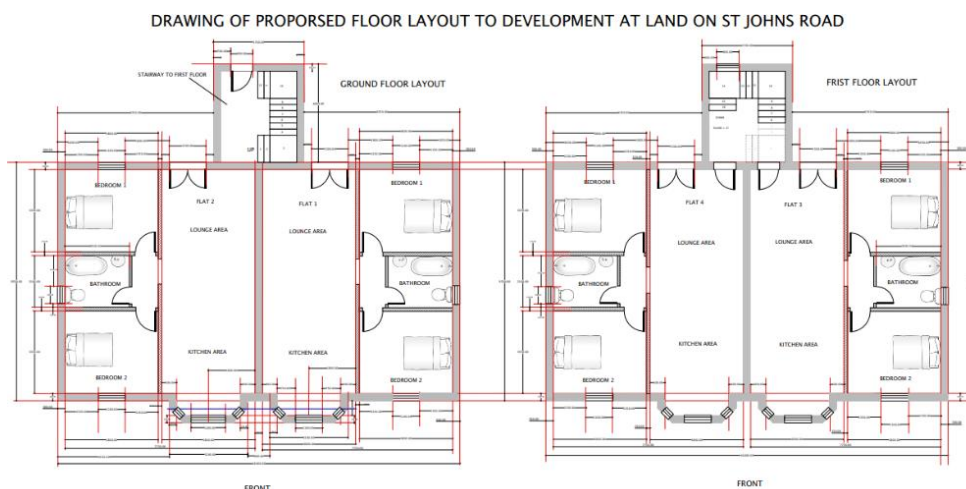
- 3.1 CHE/0290/0157 - Outline application for residential development – **CONDITIONAL PERMISSION (13.06.1990)**
- 3.2 CHE/1288/0959 - Permission for outline application for residential development on land at Poplar Place Newbold Chesterfield for Dennis Rye Ltd - **CONDITIONAL PERMISSION (16.05.1989)**
- 3.3 CHE/0888/0681 - Permission for three dwellings with integral garages on land at Poplar Place St. Johns Road Newbold Chesterfield for Dennis Rye Ltd - **CONDITIONAL PERMISSION (16.11.1988)**
- 3.4 CHE/0288/0121 - Permission for 3 dwelling units on land at St. Johns Road Newbold Chesterfield for Dennis Rye Ltd. – **CONDITIONAL PERMISSION (18.05.1988)**
- 3.5 CHE/0787/0442 - Permission for proposed two shops with flats over on land off St. Johns Road Newbold for Dennis Rye Ltd. – **CONDITIONAL PERMISSION (16.09.1987)**

SURROUNDING SITE HISTORY

3.6 CHE/11/00854/FUL - Erection of a dwelling at Land Adjacent To 3 Poplar Place St Johns Road – **CONDITIONAL PERMISSION (13.03.2012)**

4.0 THE PROPOSAL

4.1 The application proposes the erection of a two storey building comprising of four two bedroom flats. Each flat measures approximately 72sqm in gross internal area with the same mirrored internal layout. The internal layout of each flat has a dual aspect open plan kitchen/living room served by a window/opening to each elevation. Each bedroom is served by a single window (one to the front and rear elevation) with a shared bathroom served by a window to the side elevation. Access to the first floor units is taken from a two storey projection to the rear by a shared staircase. The first floor flats benefit from Juliette balcony's serving the living accommodation to the rear (south) elevation)



Extract of submitted internal layout ©

4.2 The proposed development is formed of a dual pitched roof form with gable ends to the side (east and west) elevations. The proposal incorporates flat roof projecting bay windows to the principle elevation and an intersecting dual pitched roof form to the rear which is set down from the main ridgeline.



4.3

The plans proposed for the building are submitted. The principal elevation features stone quoins and a gabled roof. Extract of submitted elevational plans © submitted. Stone tiles. Stone quoins and brick details with brick corbels are proposed to the rear. Revised plans altered the window design to introduce vertical proportions in response to the local vernacular.

4.4

The proposed building is positioned towards the north of the plot, creating a stepping building line to St Johns Road and to provide a small landscaped frontage. The site is served by shared amenity space of 125sqm and private amenity space for flat 1 and 2 measuring 25sqm. Bin storage and areas of landscaping and boundary treatments are indicated.

4.5

Parking for four cars is proposed, revised plans increased the size of the parking spaces and sought to provide a 6m turning space for manoeuvring. The application also proposes widening the private drive to 4.9m in width allow two vehicles to pass.

PROPOSED DEVELOPMENT SITE LAYOUT AND LOCATION PLANS



Extract of submitted layout plan ©

5.0 **CONSIDERATIONS**

5.1 **Planning Policy**

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that, 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The relevant Development Plan for the area comprises of the Chesterfield Borough Local Plan 2018 – 2035.

5.2 **Chesterfield Borough Local Plan 2018 – 2035**

- CLP1 Spatial Strategy (Strategic Policy)
- CLP2 Principles for Location of Development (Strategic Policy)
- CLP11 Infrastructure Delivery
- CLP13 Managing the Water Cycle

- CLP14 A Healthy Environment
- CLP16 Biodiversity, Geodiversity and the Ecological Network
- CLP20 Design
- CLP22 Influencing the Demand for Travel

5.3 **National Planning Policy Framework**

- Part 2. Achieving sustainable development
- Part 5. Delivering a sufficient supply of homes
- Part 8. Promoting healthy and safe communities
- Part 9. promoting sustainable transport
- Part 12. Achieving well-designed places
- Part 14. Meeting the challenge of climate change, flooding and coastal change
- Part 15. Conserving and enhancing the natural environment

5.4 **Principle of Development**

Relevant Policies

- 5.4.1 The application site is unallocated and is positioned within the built up area of Newbold therefore policies CLP1 and CLP2 are of relevance.
- 5.4.2 Policy CLP1 states that *‘The overall approach to growth will be to concentrate new development within walking distance of a range of Key Services as set out in policy CLP2, and to focus on areas that need regenerating, including the ‘place shaping’ areas set out in policies SS1 to SS6 and Regeneration Priority Areas.’*
- 5.4.3 Policy CLP2 states that when *‘Planning applications for developments that are not allocated the Local Plan, will be supported according to the extent to which the proposals meet the following requirements which are set out in order of priority:*
- a) deliver the council’s Spatial Strategy (policy CLP1);*
 - b) are on previously developed land that is not of high environmental value;*
 - c) deliver wider regeneration and sustainability benefits to the area;*
 - d) maximise opportunities through their location for walking access to a range of key services via safe, lit, convenient walking routes;*
 - e) maximise opportunities through their location for cycling and the use of public transport to access a range of key services;*
 - f) utilise existing capacity in social infrastructure (Policy CLP10) or are of sufficient scale to provide additional capacity, either on site or*

through contributions to off-site improvements;
g) ensure the long term protection of safeguarded Minerals Related Infrastructure as identified in the Derbyshire and Derby Minerals Local Plan and shown on the Policies Map;
h) are not on the best and most versatile agricultural land;'

Considerations

- 5.4.4 The principle of development is assessed through consideration of Local Plan Policies CLP1 and CLP2 (see extracts above).
- 5.4.5 The Council's Strategic Planning Team were consulted on the proposal and they provided the following comments with regards to the principle of development;
- 5.4.6 *'The key policies in determining the principle of development are CLP1 and CLP2. The application is on land that is shown as within the built-up area of Chesterfield (policy CLP3), but otherwise is not allocated for any specific use on the adopted policies map. The Spatial Strategy in the Local Plan for sites that are not allocated for specific types of development, expressed in policies CLP1 and CLP2, focusses on development being within walking distance of a range of key facilities. For housing, the Council's residential design guide "Successful Places" provides further guidance on what is considered a 'walkable neighbourhood' (see page 41). The site is within walking and cycling distance of a range of key services, including the services in the Whittington Moor District Centre, Newbold C of E Primary School, further education and a GP/Pharmacy. Bus services in the area are good. The proposal would not fully meet the criteria set out within CLP2, in particular criterion b), as the site appears is not considered to be 'previously developed land'. The site performs well against criterion (d) and (e), being a reasonable walking distance to public transit nodes and a range of key services. As such the proposal would appear to a greater degree to accord with policy CLP2. The principle of residential development therefore accords with Local Plan policies CLP1 and CLP2.'*
- 5.4.7 The application site is located within walking and cycling distance of key services/facilities located in the defined Whittington Moor District Centre with access to public transport therefore the proposal is considered to accord with the principles of CLP1. The proposal would accord with criteria a, d, e, and h of CLP2, criteria b is not met as the site is not considered to be previously developed land. The

proposal would introduce additional housing within the existing built up area of Newbold and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF.

5.6 Design and Appearance of the Proposal

Relevant Policies

- 5.6.1 Local Plan policy CLP20 states *‘all development should identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.’*

Considerations

- 5.6.2 The immediate streetscene surrounding the application site predominately comprises of traditional two storey Victorian terraces characterised by dual pitched roof forms with side gables. Vertical window proportions reflect the age of the built form along with associated detailing, stone cills and bay windows. The proposal reflects the character and scale of the surrounding buildings with a dual pitched roof form and subservient intersecting addition to the rear. The use of vertical window proportions, stone quoins and stone cills/headers to the principle elevation is acceptable within the context of the area. The plans indicate red facing brick to the elevations which is supported. It is recommended that a condition be imposed requiring the submission of specific materials in terms of colour and style (roofing and walling) prior to ordering.
- 5.6.3 The proposed building is set back from the public highway to create a small landscaped frontage and stepped building line to St Johns Road. The building fits comfortably within the plot and retains good levels of amenity space which exceed the minimum recommendations as set out in the adopted SPD (minimum requirement of 25sqm per flat).
- 5.6.4 A landscaping plan has been provided indicating areas of planting, full details of all matters have not been provided and therefore should be controlled by condition. The submitted landscaping plan also includes details of proposed boundary treatment including a 2m high fence with vertical rails fence is proposed and a low level brick wall (0.9m) on site frontage are indicated. The re-introduction of a

low level decorative brick wall is supported and half round/curved coping is recommended to reflect the existing arrangement. The proposed 2m high timber fence also appears to enclose the small areas of private amenity space for Flats 1 and 2. Consideration of the height of the enclosure and impact on sunlight to the south are necessary for the amenity of future occupants. It is considered that further details are required with respect to the boundary treatments and should therefore be controlled by condition.

- 5.6.5 Having consideration for the observations above the proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. The proposal will therefore accord with the provisions of policy Local Plan policy CLP20.

5.7 Impact on Neighbouring Residential Amenity

Relevant Policies

- 5.7.1 Local Plan policy CLP14 states that '*All developments will be required to have an acceptable impact on the amenity of users and adjoining occupiers, taking into account noise and disturbance, dust, odour, air quality, traffic, outlook, overlooking, shading (daylight and sunlight and glare and other environmental impacts*'
- 5.7.2 Local Plan policy CLP20 expects development to '*k) have an acceptable impact on the amenity of users and neighbours;*'

Considerations

- 5.7.3 The proposal will retain an acceptable separation distance between the proposed dwellings and surrounding residential dwellings as such it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of privacy or overlooking such that refusal of the case is warranted
- 5.7.4 It is noted that each proposed flat has a single bathroom window to the side (east and west) elevations. The windows serve non-habitable rooms and each face on the side gable of the adjacent properties. The submitted plans indicate that these windows will be installed obscurely glazed which is acceptable.
- 5.7.5 The proposed building is positioned towards the northern boundary of the site and adjacent to No 65 St Johns Street to the east. A small access path is proposed separating the buildings, measuring

1.2m in width. Due to the siting of the building and orientation of the application site potential impacts arising as a result of the development on No 65 need further discussion.

- 5.7.6 No 65 St Johns Street is a two storey end of terrace. The property appears to have been extended by way of a two storey rear extension with attached conservatory. Observation on site shows two windows in the side (west) elevation of the dwelling facing towards the application site (see photos below). The windows are both obscurely glazed and considered to be secondary sources of light. The proposed building is positioned towards the northern boundary which will prevent direct overshadowing to the ground floor window.



Photo of side elevation of No 65 St Johns Street

- 5.7.7 The Council's Environmental Health Officer reviewed the scheme and recommended a working hours condition to protect the residential amenity of the surrounding neighbours. It is recommended this be imposed by condition.
- 5.7.8 Having consideration for the observations above, based on the siting and orientation of the proposed development it is considered that the proposal will not adversely impact on the neighbouring residents in terms of loss of light or privacy such that refusal of the case is warranted. Subject to conditions the proposal will therefore accord with the provisions of Local Plan policies CLP14 and CLP20.

5.8 **Highways Safety, Parking Provision and Air Quality**

Relevant Policies

5.8.1 Local Plan policy CLP20 expects development to 'g) provide adequate and safe vehicle access and parking and h) provide safe, convenient and attractive environment for pedestrians and cyclists'

5.8.2 Local Plan policy CLP22 details the requirements for vehicle/cycle parking

'The level of vehicle and cycle parking provision appropriate to any individual proposal will take into account the circumstances of the particular scheme, including in particular:

- i. The size of any dwellings proposed.*
- ii. The type, mix and use of the development.*
- iii. The proximity of facilities such as schools, shops or employment*
- iv. The availability of and capacity for safe on-street and public car parking in the area.*
- v. Proximity to and availability of public transport and other sustainable transport options.*
- vi. The likelihood that any existing on-street parking problems in terms of highway safety, congestion, pedestrian and cyclist accessibility and amenity will be made worse.*
- vii. Local car ownership levels.*

Considerations

5.8.3 The Council's Environmental Health Officer requested electric vehicle charging point be installed as part of the building phase in accordance with policy. In so far as Air Quality, one electric charging point per unit should be installed as part of the build phase and controlled by condition.

5.8.4 The Local Highways Authority Derbyshire County Council reviewed the scheme and provided the following comments;

'It would appear that the proposal is to access the parking off Poplar Place which is not adopted as part of the publicly maintainable highway but is included within the area the subject of the application. Comments are, therefore, given on the basis that the proposed improvements to Poplar Place can be delivered. Visibility from this access onto St John's Road is substandard. Given the area the subject of the application though visibility can be improved/maximised over this area in the direction of traffic flow, St John's Road being one-way at this point.

In respect of off-street parking it is noted that only one space per unit is proposed whereas two spaces should generally be provided for two/three-bedroom dwellings. Whilst on-street parking is available, it is suggested that this is heavily utilised given the nature of the dwellings in this area and there is the likelihood of increased competition for this parking in the event the proposal proceeds. Parking spaces should have minimum dimensions of 2.4m x 5.5m with space for manoeuvring (generally 6m to the rear) to allow entry and exit in a forward gear. The width is indicated slightly wider at 2.5m although the length and distance to the rear is slightly below the aforementioned dimensions and should be maximised.

Although it would be preferable for an adequate level of off-street parking to be provided, if you are minded to grant planning permission on the basis of one space per unit, it is recommended that the following conditions are included in any consent.

1.No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors*
- Routes for construction traffic, including abnormal loads/cranes etc*

- Hours of operation*
- Method of prevention of debris being carried onto highway*
- Pedestrian and cyclist protection*
- Proposed temporary traffic restrictions*
- Arrangements for turning vehicles*

2.Before any other operations are commenced, the existing vehicular access to St John's Road shall be improved in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge to the extremities of the site frontage abutting the highway. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

3.No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear. Once provided, such spaces shall be maintained free from any impediment to their designated use for the life of the development. Such spaces shall be marked out on site to maximise off-street parking and retained as such for the life of the development.

4.There shall be no gates or other barriers on the access.

5.The parking spaces shall not exceed a maximum longitudinal gradient of 1:14.'

5.8.5 The comments from the Local Highways Authority have been noted. Vehicular access to the site is taken from St Johns Road via a private unadopted road leading to Poplar Place. The application seeks to widen the existing access road to allow two cars to pass and for pedestrian access. Space will be taken from the site to accommodate these works. Full details of road surfacing/treatment have not been provided. As the road is unadopted the Highways Authority has no control over the surfacing. The land forming the access track is likely to be in shared ownership with rights of access. Rights of access would be a private matter between landowners and the Local Planning Authority has no control over these matters. It is considered reasonable to require further information for works to the area of proposed new road within the application site including details of levels and materials. Works to the shared road and responsibility for the costs of any such additional works would need to be agreed between all interested parties and it appears reasonable therefore to impose a condition which secures detail before development commences to demonstrate that such works to the access road can be carried out as a part of the scheme.

5.8.6 The proposed development is to be served by four parking spaces for four flats. Revised plans increased the size of spaces and demonstrated turning space of 6m to allow for manoeuvring. Whilst the Highways Authority have suggested that for a two bedroom dwelling two parking spaces should be provided this is not adopted guidance and would result in the loss of a significant amount of amenity space for residents. The site is situated in a sustainable location with access to public transport links and cycling connections. It is therefore considered that four spaces is appropriate in this context and it is recommended that a condition

be imposed requiring the provision of secure cycle parking for residents.

- 5.8.7 The proposal seeks to widen the existing access drive which will result in the loss of one on-street parking space on St Johns Road. The loss of the space will impact the availability of on-street parking for local residents however this will not be significant and needs to be considered in the context that the proposal will increase the visibility for vehicles leaving the private drive in the critical direction into on coming traffic. It is recommended that conditions 1 to 4 as recommended by the Local Highways Authority be imposed on the decision. The longitudinal gradient of the parking spaces should be referred to as an informative note.
- 5.8.8 Subject to conditions as detailed above the development complies with the requirements of CLP20 and CLP22.

5.9 Flood risk, Drainage and Water Efficiency

Relevant Policies

- 5.9.1 Local Plan policy CLP13 states that *‘The council will require flood risk to be managed for all development commensurate with the scale and impact of the proposed development so that developments are made safe for their lifetime without increasing flood risk elsewhere. Development proposals and site allocations will:*
- a) be directed to locations with the lowest probability of flooding as required by the flood risk sequential test;*
 - b) be directed to locations with the lowest impact on water resources;*
 - c) be assessed for their contribution to reducing overall flood risk, taking into account climate change.*
- 5.9.2 Local Plan policy CLP13 states that *‘Development proposals will be expected to demonstrate that water is available to support the development proposed and that they will meet the optional Building Regulation water efficiency standard of 110 litres per occupier per day.’*

Considerations

- 5.9.3 The application site is located in ‘Flood Zone 1’ as defined by the Environment Agency and is therefore considered to be at low risk of

flooding. Having regards to the provisions of CLP13 and the wider NPPF the application was referred to the Council's Design Services (Drainage) Team, Yorkshire Water, Environment Agency and DCC Flood Risk Engineer for comments in respect of flood risk and drainage/waste water

5.9.4 The Design Services (Drainage) Team reviewed the application and provided the following comments;

'The site is not shown to be at risk of flooding, according to the Environment Agency Flood Maps. The site must be developed using separate systems of foul and surface water drainage; any connections to the public sewerage network will require prior approval from Yorkshire Water. It is noted that the developer intends to use soakaways as a means of surface water disposal. Infiltration tests of the subsoils must be carried out and sizing calculations provided, prior to approval, to ensure that soakaways are suitable for use at this location. The soakaways should be designed in accordance with BRE Digest 365 to ensure that no flooding occurs during a 30 year storm, as a minimum. (See attached document for guidance).

5.9.5 Yorkshire Water reviewed the application and raised no objections in principles subject to the following;

'If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

(To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)

It is noted from the submitted planning application that surface water is proposed to be drained to soakaway - Yorkshire water fully endorses this means of surface water disposal'

5.9.6 The Engineer from DCC provided the following comments;

'We have reviewed this planning application and have noted that the applicant has not submitted a drainage strategy plan, we have also noted that the applicant intends to use Soakaway as a means of surface water disposal, the applicant need to submit the following information;

- *Ground percolation tests to BRE 365.*
- *Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.*
- *Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.*
- *Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.*
- *Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.*
- *Drawing details including sizes and material.*
- *Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.*
- *Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.'*

5.9.7 The comments from Yorkshire Water, the Council's Design Services Drainage Team and DCC have been noted. The Environment Agency confirmed that they have no fluvial flood risks concerns and no other constraints are associated with the site which require further comments.

5.9.8 It is recommended that the condition requested by Yorkshire Water be imposed on the decision requiring further information on proposed surface water drainage as detailed above. Subject to condition the proposal will accord with the provisions of CLP13 and the wider NPPF.

5.10 Ground Conditions Land contamination and Land Stability

Relevant Policies

- 5.10.1 Local Plan Policy CLP14 states that *‘Unstable and Contaminated Land Proposals for development on land that is, or is suspected of being, contaminated or unstable will only be permitted if mitigation and/or remediation are feasible to make the land fit for the proposed use and shall include:*
- a) a phase I land contamination report, including where necessary a land stability risk assessment with the planning application; and*
 - b) a phase II land contamination report where the phase I report (a) indicates it is necessary, and*
 - c) a strategy for any necessary mitigation and/or remediation and final validation.*
- A programme of mitigation, remediation and validation must be agreed before the implementation of any planning permission on contaminated and/or unstable land. The requirement to undertake this programme will be secured using planning conditions.*
- 5.10.2 Paragraph 178 of the NPPF states that *‘Planning policies and decisions should ensure that:*
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.’*

Considerations

- 5.10.3 The application site is located in area considered to be at ‘high risk’ of former Coal Mining Legacy. Having regards to the provisions of CLP14 and the NPPF the application was referred to the Council’s Environmental Health Officer for comments.
- 5.10.4 The Coal Authority were consulted on the scheme and reviewed the submitted Coal Mining Risk Assessment prepared by Demeter Environmental Limited (July 2021). The Coal Authority concurred with the findings of the report and provided the following comments;
- ‘The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information; including a Coal Mining*

Report and BGS geological mapping. Based on this review of existing sources of geological and mining information the report confirms the risks to the proposed development posed by potential unrecorded shallow coal mine workings and confirms that a ground investigation is required to identify any necessary remedial measures.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site'

- 5.10.4 The Coal Authority recommended that conditions be imposed including a pre-commencement condition requiring intrusive site investigations and the subsequent submission of a signed statement/declaration prior to occupation to confirm that the site has been made safe and suitable for use in accordance with the completion of any remediation/mitigation works
- 5.10.4 The Environmental Health Officer reviewed the submitted Phase 1 desk top study and concurred with the findings that a Phase 2 land contamination investigation is required.
- 5.10.5 Subject to the imposition of relevant conditions the proposal is considered to accord with the requirements of Local Plan policy CLP14 and the NPPF.

5.11 **Biodiversity including Trees and Landscaping**

Relevant Policies

- 5.11.1 Local Plan policy CLP16 states that *'The council will expect development proposals to:*
- *avoid or minimise adverse impacts on biodiversity and geodiversity; and*
 - *provide a net measurable gain in biodiversity'*
- 5.11.2 The NPPF also requires net gains in biodiversity (paragraph 170 d).

Considerations

- 5.11.3 The site largely consists of former garden which appears to have been left undisturbed for a period of time and is relatively overgrown. Evidence of the former use is still visible including a greenhouse and a shed. The application was not supported by a preliminary ecological appraisal.
- 5.11.4 The Derbyshire Wildlife Trust reviewed the scheme and provided the following comments;

'There is no ecological information submitted with this application. From the photos provided it appears that the site comprises an overgrown plot within a residential area. We have consulted our biological records database and have not identified any known records of protected species. A record of the invasive species

Japanese knotweed is present within the site boundary. Some allotments are present approx. 15 m to the east but the site is otherwise surrounded by residential properties and gardens.

We consider that the most likely constraints at this site are nesting birds and hedgehogs, which can take advantage of an abandoned plot. Potentially badgers and amphibians/reptiles could also use the site. Although records of these species in the local area are limited, they do exist and the nearby allotments provide additional supporting habitat. We advise that the site should be cleared under a Method Statement to reduce the risk of impacts to wildlife. This could be secured through a condition. In addition, enhancements should be incorporated within the design to maximise onsite biodiversity.

Method Statement for clearance

Site clearance shall not be undertaken between December and early February to avoid the core hibernation period for hedgehogs, amphibians and reptiles. Once temperatures are above 5 degrees Celsius, clearance can be undertaken. If vegetation will be removed between March and August, a nesting bird check shall be carried out by an ecologist immediately preceding removal. Clearance shall be undertaken in a manner by which to safeguard hedgehogs and other wildlife such as common amphibians and reptiles, which have a low risk of being present on site. In the first instance, all scrub and tall grass shall be cut/lopped/strimmed using hand tools to just above ground level. Any rubble piles, compost heaps and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site. If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes or into an adjacent garden. Reptiles and amphibians shall be allowed to move away from the area of works themselves or if necessary to avoid harm moved with gloved hand to a similar place of shelter. If an active bird nest is found, an exclusion zone shall be implemented around the nest until the chicks have fledged. A short statement of compliance shall be submitted to the LPA upon completion of clearance works to discharge this condition.

Biodiversity Enhancements

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to maximise site biodiversity.

Such approved measures shall be implemented in full and maintained thereafter, with photographs of the measures in situ submitted to the LPA to fully discharge the condition. The plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- *1 x integrated bat box.*
- *3 x integrated swift boxes.*
- *1 x bee brick.*
- *fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs*
- *summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).'*

- 5.11.5 The applicant commissioned an ecologist to produce a 'Biodiversity Enhancement Strategy' by ML-Ecology (report dated 15.12.2021). The report sets out the proposed enhancement measures including;
- two (2) Schwegler 1FR bat tubes/woodstone bat bricks
 - three (3) Vivara Pro Woodstone swift Boxes
 - two Schwegler 1SP terrace box for house sparrows
 - 200mm gaps for movement of hedgehogs
 - two Bee Bricks
 - mix of native and non-native pollen rich plants including Crab Apple *Malus sylvestris*, Catmint *Nepeta*, Calamint, Dusky Cranesbill *Geranium phaeum*, *Geranium 'Rozanne'*, Lavender *Lavendula*, *Choisya*, *Spiraea*, *Lonicera nitida*, *Skimmia*, *Citrus* and *Hebes*.

As set out in drawing Land Adj 65 St Johns Road–Biodiversity Enhancement Strategy 2112/03-MLE-01

- 5.11.6 The application is supported by a landscaping plan indicating areas of planting, hard surfacing and boundary treatments. It is recommended that a detailed landscaping plan be submitted to provide further information on the ecologically beneficial plants referenced in the submitted enhancement plan as detailed above.

- 5.12.6 Subject to conditions as recommended above the development accords with the requirements of CLP16 and the NPPF.

5.13 Developer Contributions and Community Infrastructure Levy

- 5.13.1 Having regard to the nature of the application proposals the development comprises the creation of a new dwellings and is therefore CIL Liable.

5.13.2 The site the subject of the application lies within the medium CIL zone and therefore the CIL Liability is calculated (using gross internal floor space and is index linked).

		A		B	C	D	E
Development type	Proposed floor space (GIA in Sq. m)	Less Existing (Demolition or change of use) (GIA in Sq.m)	Net Area (GIA in Sq. m)	CIL Rate	Index permission	Index Charging schedule 2020	CIL Charge
Residential (C3)	309	0	0	£50.00 Medium Zone	332	288	£17,810

Calculation:

CIL Charge (E) is calculated as outlined below:

$$\frac{\text{Net Area (A)} \times \text{CIL Rate} \times \text{BCIS Tender Price Index (at date of permission) (C)}}{\text{BCIS Tender Price Index (at date of charging schedule) (D)}}$$

Therefore, the CIL charge liable for this application is as follows:

$$\frac{309 \times £50 \times 332}{288} = £17,810$$

6.0 REPRESENTATIONS

6.1 The application has been publicised by neighbour notification letters site notice. 5 letters of objection have been received and are summarised below (see representations for full comments):

1. Overshadowing/loss of light to windows in side elevation of No 65 St Johns Road
2. Number of parking spaces – not enough parking spaces allocated for the development. 4 parking spaces assumes one car per apartment which is less than the national average number of cars per family and does not take into account visitors. Additional cars will have to park on road in an area where parking is already at a premium and residents are required to park on other streets. Proposal will heighten the problems of parking and congestion in area and reduce road safety
3. Widening road – will reduce the numbers of cars which can park on St Johns Road adding pressure to a stressful situation.
4. Damage to private road – existing road surface in poor repair, unpaved and is not adequate for heavy machinery which will

- cause further damage to this road and potentially result in damage to residents vehicles who live on Poplar Place
5. Japanese knotweed exists on the site and would need to be correctly treated and removed prior to any works being completed
 6. Maintenance of property – residents of Poplar Place will need access to external walls for maintenance and may also require scaffolding to be placed on the development land in the future
 7. Telephone and internet wire serving Poplar Place runs across planned development land
 8. Bins placed at the top of Poplar Place by residents for collection as waste collection lorry does not go down the private drive, would this be affected by the development
 9. A more appropriate use of the land would be a residents car park surrounding by trees which would have a positive impact on the local community and enhance the local environment
 10. Turning space – space shown for the turning of vehicles crosses third party land for which consent would not be granted. Plans for reversing over third party land have not been addressed with land owner and no permission has been granted for usage. Land is not in best repair and extra usage will cause further problems and be at the expense of the land owner to result. Permission to use land is not granted to future tenants or machinery in conjunction with the proposal.

6.3

Officer comments – the above comments have been noted

- ***Comments 1 to 3 have been addressed within the main body of the report***
- ***4 – maintenance and repair of the private drive would be a civil matter between relevant land owners.***
- ***5 – the removal of Japanese knotweed on the site would be a matter for the landowner to resolve and ensure it is removed and disposed of properly.***
- ***6 – maintenance of property and access rights would be a private matter to be discussed between the relevant landowners***
- ***7 – The developer may need to discuss directly with BT about the telephone wires and arrange for appropriate works to move or re-locate them.***
- ***8 – bins placed on a private drive would be outside the control of the Local Planning Authority and should be appropriately placed on collection day.***
- ***9 – comments noted.***

- ***10 – the use of third party land would be a private matter to be resolved between land owners. It is not for the Local Planning Authority (LPA) to be an arbiter in boundary disputes/land ownership and access arrangements which are considered to be a private civil matter between landowners. To determine a planning application the LPA have a procedural role to seek clarification that the relevant certificate has been signed as part of the application form and if necessary that notice has been served on appropriate landowners. The Applicant/Agent has signed certificate D as part of the application form and published the required notice in the Derbyshire Times and stated that by signing certificate D that all reasonable steps have been taken to find out the names and addresses of anyone who was the owner of any part of the land to which the application relates but was unable to do so. Agreement regarding the use of the land would need to be resolved with the relevant landowners.***

7.0 HUMAN RIGHTS ACT 1998

- 7.1 Under the Human Rights Act 1998, which came into force on 2nd October 2000, an Authority must be in a position to show:
- Its action is in accordance with clearly established law
 - The objective is sufficiently important to justify the action taken
 - The decisions taken are objective and not irrational or arbitrary
 - The methods used are no more than are necessary to accomplish the legitimate objective
 - The interference impairs as little as possible the right or freedom
- 7.2 The action in considering the application is in accordance with clearly established Planning law and the Council’s Delegation scheme. It is considered that the recommendation accords with the above requirements in all respects.

8.0 STATEMENT OF POSITIVE AND PROACTIVE WORKING WITH APPLICANT

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and paragraph 38 of 2021 National Planning Policy Framework (NPPF) as the proposed development does not conflict with the NPPF or with ‘up-to-date’ policies of the

Local Plan, it is considered to be 'sustainable development' to which the presumption in favour of the development applies.

- 8.2 The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant in order to achieve a positive outcome for the application.

9.0 **CONCLUSION**

- 9.1 The proposal would introduce additional housing within the existing built up area of Newbold and therefore meets the strategic requirements of Local Plan policies CLP1 and CLP2 and the NPPF. The proposal is considered to be appropriately designed and would not cause adverse impacts on the visual amenity and character of the area. Subject to conditions the proposal will therefore accord with the provisions of policy Local Plan policy CLP20. Due to the siting and scale of the proposal the proposal is not considered to cause significant adverse impacts on the residential amenity of the adjoining neighbours and therefore accords with the amenity considerations of Local Plan policies CLP14 and CLP20. Subject to conditions no highways safety concerns arise and it is considered the site can accommodate sufficient off-street parking therefore subject to conditions the proposal accords with the requirements of CLP20 and CLP22. Subject to conditions and the submission of further details controlled by condition covering land contamination, drainage and biodiversity the proposal is considered to accord with the principles of CLP13, CLP14, CLP16 and the wider National Planning Policy Framework.

10.0 **RECOMMENDATION**

- 10.1 It is therefore recommended that the application be **GRANTED** subject to the following:

Conditions

Standard time frame

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

Approved plans and documents

2. The development hereby approved shall only be carried out in full accordance with the approved plans and documents (listed below) with the exception of any approved non material amendment. All external dimensions and elevational treatments shall be as shown on the approved plan/s (listed below).
 - Proposed development site layout and location plans, drawing reference S-L/PLAN/ST JOHNS RD/ (received 19.12.2021)
 - Proposed Elevations, drawing reference ST-JOHNS RD/ELV/ (received 07.03.2022)
 - Proposed floor layout, drawing reference PLANS/ST JOHNS RD (received 07.03.2022)
 - Cross sectional elevational drawings, drawing reference CR/SEC/ST JOHNS/ (received 07.03.2022)
 - Cross sectional drawing showing existing levels with new development, drawing reference LEVEL'S/ST JOHN (received 16.09.2021)

Reason - In order to clarify the extent of the planning permission for the avoidance of doubt.

Pre-commencement – Land contamination

3. a) Prior to work commencing on site, the application site shall be subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority;
- b) Prior to works commencing on site, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') shall be submitted to and approved in writing by the Local Planning Authority;
- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';

f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason - This pre commencement condition is required in the interests of safeguarding the proposed development and adjacent properties from the possible harmful effects of development affecting contaminated land, in accordance with CLP14

Pre-commencement Highways – creation of access

4. The development hereby permitted shall not commence until a scheme which demonstrates that the development has secured a lawful right in perpetuity to carry out works to the existing vehicular access has been submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and the free flow of traffic on the highway

5. Before any other operations are commenced, the existing vehicular access to St Johns Road shall be improved in accordance with the application drawing and provided with visibility sightlines extending from a point 2.4m from the carriageway edge to the extremities of the site frontage abutting the highway. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) [above ground level in case of junction] relative to adjoining nearside carriageway channel level.

Reason - This pre commencement condition is required in the interests of highway safety in accordance with CLP20 and CLP22

Pre-commencement – construction management plan

6. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in

writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for but not necessarily be restricted to the following as appropriate.

- Parking of vehicles of site operatives and visitors
- Routes for construction traffic, including abnormal loads/cranes etc
- Method of prevention of debris being carried onto highway
- Pedestrian and cyclist protection
- Proposed temporary traffic restrictions
- Arrangements for turning vehicles

Reason - This pre commencement condition is required in the interests of highway safety in accordance with CLP20 and CLP22

Pre-commencement - Site Storage/Compound

7. At the of operations on site space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

Reason – To ensure adequate space is retained for site storage during the construction period in accordance with CLP22.

Pre-commencement intrusive site investigations

8. Prior to development shall commence until; a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and; b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason – The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework and Local Plan policy CLP14 and the NPPF

Submission of signed declaration regarding intrusive investigations

9. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason – to ensure the site is safe and stable for occupation in accordance with Local Plan policy CLP14 and the NPPF

Hours of construction

10. No construction or demolition works, movement of construction traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays. The term 'construction work' shall include mobile and fixed plant/machinery, (e.g. generators) radios and the delivery of construction materials.

Reason - To safeguard the privacy and amenities of the occupiers of adjoining properties in accordance with CLP20 and CLP14

Drainage - surface water

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with detailsⁱ submitted to and

approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved surface water drainage works.

Reason - To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with CLP13.

Approval of Materials

12. Precise specifications or samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason - To ensure a satisfactory external appearance of the development in accordance with CLP20 and CLP22 of the Local Plan

Biodiversity

13. Prior to the occupation of the hereby approved development biodiversity enhancement measures as detailed in 'Biodiversity Enhancement Strategy' by ML-Ecology (report dated 15.12.2021) and drawing 'Land Adj 65 St Johns Road–Biodiversity Enhancement Strategy 2112/03-MLE-01' shall be implemented in full and maintained thereafter

Reason - In the interests of achieving a net measurable gain in biodiversity in accordance with policy CLP16 of the adopted Chesterfield Borough Local Plan and to accord with paragraph 170 of the National Planning Policy Framework.

Landscaping

14. No development above floor-slab/D.P.C level shall take place until details for the treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season

after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a. a scaled plan showing trees and plants to be planted including species and planting density. The plan shall include details of ecologically beneficial landscaping to provide a biodiversity enhancement.
- b. proposed hardstanding surfacing materials and shall include elevational drawings of boundary treatments including materials, types of fencing and treatment.
- c. a schedule detailing sizes and numbers of all proposed trees/plants
- d. Sufficient specification to ensure successful establishment and survival of new planting.

Reason - In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality in accordance with CLP16 of the Local Plan.

Retention of soft landscaping

15. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of landscaping in the interests of amenity in accordance with CLP20 and CLP16

Water efficiency

16. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason - To protect the water environment in accordance with policy CLP13 of the of the adopted Chesterfield Borough Local Plan and to accord with paragraph 149 of the National Planning Policy Framework.

Parking provision

17. The development the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason - In the interests of providing adequate off-street parking provision in accordance with CLP20 and CLP22.

Cycle parking

18. Details of secure cycle parking and storage shall be submitted to the Local Planning Authority for written approval. The approved cycle parking shall be installed prior to the occupation of the development and thereafter retained in perpetuity.

Reason - In the interests of providing cycle parking provision in accordance with CLP20 and CLP22.

Electric charging

19. A residential charging point shall be provided for each new dwelling with an IP65 rated domestic 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. The socket shall be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing, by the local planning authority. The electric vehicle charging points shall be provided in accordance with the stated criteria prior to occupation and shall be maintained for the life of the approved development.

Reason - In the interests of reducing emissions in line with Policy CLP22 of the Adopted Local Plan 2020.

No gates/barriers

20. There shall be no gates or other barriers on the shared access/driveway or parking area.

Reason - To ensure appropriate visibility is retained with low level boundary treatments across the site frontage in accordance and to ensure clear unobstructed access to the site in the interests of highway safety and in accordance with Policies CLP20 and CLP22 of the Adopted Local Plan 2020.

Informative Notes

1. If work is carried out other than in complete accordance with the approved plans, the whole development may be rendered unauthorised, as it will not have the benefit of the original planning permission. Any proposed amendments to that which is approved will require the submission of a further application.
2. This approval contains condition/s which make requirements prior to development commencing. Failure to comply with such conditions will render the development unauthorised in its entirety, liable to enforcement action and will require the submission of a further application for planning permission in full.
3. You are notified that you will be liable to pay the Community Infrastructure Levy (CIL) to Chesterfield Borough Council as CIL collecting authority on commencement of development. This charge will be levied under the Chesterfield Borough Council CIL charging schedule and s211 of the Planning Act 2008. A CIL Liability Notice will be issued at the time of a detailed planning permission which first permits development, in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).
4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted

alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from:

www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

5. Due to the application site being in a Development High Risk Area, Mine gases may be found at the application site and it is therefore the responsibility of the applicant to ensure appropriate investigations and/ or mitigation measures are dealt with appropriately as required by the Building Regulations.

6. Connection to the public sewerage system requires prior consent from Yorkshire Water. Connections to the existing drainage may require Building Control approval.
7. The parking spaces shall not exceed a maximum longitudinal gradient of 1:14
8. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy, Transport & Environment at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp , e-mail highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190
9. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
10. The Highway Authority recommends that the first 5m of the proposed access/driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
11. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Executive Director - Place at County Hall, Matlock (tel: 01629 533190 and ask for the New Roads and Streetworks Section).#
12. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Mr J Adams, Traffic Management, 01629 538628. All road closure and

temporary traffic signal applications will have to be submitted via the County Councils web-site; relevant forms are available via the following link -

http://www.derbyshire.gov.uk/transport_roads/roads_traffic/roadworks/default.asp

13. Site clearance shall not be undertaken between December and early February to avoid the core hibernation period for hedgehogs, amphibians and reptiles. Once temperatures are above 5 degrees Celsius, clearance can be undertaken. If vegetation will be removed between March and August, a nesting bird check shall be carried out by an ecologist immediately preceding removal. Clearance shall be undertaken in a manner by which to safeguard hedgehogs and other wildlife such as common amphibians and reptiles, which have a low risk of being present on site. In the first instance, all scrub and tall grass shall be cut/lopped/strimmed using hand tools to just above ground level. Any rubble piles, compost heaps and other general debris that could be used for shelter shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site. If a hedgehog is discovered during clearance it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes or into an adjacent garden. Reptiles and amphibians shall be allowed to move away from the area of works themselves or if necessary to avoid harm moved with gloved hand to a similar place of shelter. If an active bird nest is found, an exclusion zone shall be implemented around the nest until the chicks have fledged.
14. The buildings and landscaping have potential to support nesting birds. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. No building demolition work should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then the nest should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
15. When you carry out the work, you must not intentionally kill, injure or take a bat, or intentionally or recklessly damage, destroy

or block access to any structure or place that a bat uses for shelter. These would be offences under the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation.

16. Lighting installed on site shall be designed to ensure no glare or overspill occurs to nearby residential properties.

17. In accordance with the ecological/biodiversity enhancement condition measures shall include but shall not be limited to:

- Bird/owl/bat boxes
 - (Locating your nestbox: Whether fixed to a tree or a wall, the height above ground is not critical to most species of bird as long as the box is clear of inquisitive humans and prowling cats. If there is no natural shelter, it is best to mount a box facing somewhere between south-east and north to avoid strong direct sunlight and the heaviest rain. The box should be tilted slightly forwards so that the roof may deflect the rain from the entrance.
 - You can use nails to attach the box directly to a tree trunk or branch; or you can use rope or wire wrapped right around the box and trunk (remembering to protect the trunk from the wire cutting into it by using a piece of rubber underneath it). Both methods are satisfactory, but annual maintenance is easier if the box is wired and can be taken down easily for cleaning.
 - The number of nestboxes which can be placed in a garden depends on the species you wish to attract. Many species are fiercely territorial, such as blue tits, and will not tolerate another pair close by; about 2 to 3 pairs per acre is the normal density for blue tits. Other species, such as the tree sparrow, which is a colonial nester, will happily nest side-by-side.
 - Do not place your nestbox close to a birdtable or feeding area, as the regular comings and goings of other birds are likely to prevent breeding in the box.)
 - (Locating your bat box: Bat boxes should be positioned at least 3 metres above the ground (5 metres for noctules) in a position that receives some direct sun for part of the day, with a clear flight path to

the box, but preferably also with some tree cover nearby as protection from the wind. In the roof eaves, on a wall or fixed to a tree are all suitable sites.)

- Biodiversity enhancing planting and landscaping including trees, hedges and native species, wildflower planting and nectar rich planting for bees and night scented flowers for bats.
- Measures to enhance opportunities for invertebrates including bug hotels/log piles, stone walls including a programme of implementation and maintenance.
- Holes in fences and boundary treatment to allow species such as hedgehog to move across the site.
- Bee bricks.

Species	Potential Enhancement Measure	Notes
Wildflowers	<p>Native wildflower meadow areas: as an alternative to amenity grassland.</p> <p>Wildflower verges.</p>	<p>Wildflower meadow can be added where there is grassed verge / communal garden space as well as within residential gardens or as part of wider landscaping schemes.</p> <p>Advice for creating and maintaining a wild patch is available on the Wildlife Trust website and through Flora Locale.</p>
Birds	<p>Bird Boxes and other nesting features: (such as stone ledges and wooden cladding).</p> <p>Native species planting and boundary features: Berry and seed producing shrubs are particularly beneficial for</p>	<p>Particularly where adjoining natural areas such as woodland, areas of priority habitat and the river and canal environment. For guidance on installing bird boxes including minimum height see: https://www.bto.org/how-you-can-help/providing-birds/putting-nest-boxes-birds/putting-nest-box</p> <p>Generally, boxes should be sheltered from prevailing</p>

	wildlife and include: Barberry, Blackthorn, Common Dogwood, Guelder Rose Hawthorn and Spindle berry.	wind, rain and strong sunlight. Check local records (Magic portal and DWT advice) for target species.
Invertebrates	Bug hotels and log piles with stones: particularly near ponds. South facing banks: with some bare ground. Rough or natural stone walls with holes for invertebrates to use. Brown roofs with a range of substrates these are particularly recommended on brownfield sites where open mosaic habitat may have been lost. The substrate does not have to cover the entire roof.	Examples of living roof projects are available on the Buglife web page: https://www.buglife.org.uk/our-work/living-roof-projects/

18. Notes from Yorkshire Water

1) The drainage details submitted on drawing 'Proposed Levels & Drainage' 21-021-PL04 (revision A) dated 24/01/2022 that has been

prepared by Brightman Clarke Associates requires additional information, but if planning permission is granted, the matter can be dealt with via condition. The following point(s) should be addressed:

a.) the submitted drawing appears to show a building proposed private packet pumping station, but no rate of pumped discharge has been given.

2.) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

a.) From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required, the peak pumped foul water discharge must not exceed 3 (three) litres per second.

3.) It is noted from the submitted planning application that surface water is proposed to be drained to soakaway- Yorkshire Water fully endorse this means of surface water disposal.

a.) The developer should note that further restrictions on surface water disposal from the site may be imposed by other parties. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

b.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

4.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for

Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

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ST JOHNS ROAD NEWBOLD CHESTERFIELD



CONFIRM SCALE AFTER PRINTING

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Agenda Item 5

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th April 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by Development Management and Conservation Manager under the following Delegation references:- Planning Applications P020D, P200D to P250D, P270D to P320D, P350D to P370D, P390D, P420D to P440D Agricultural and Telecommunications P330D and P340D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only.
Anyone requiring further information on any of the matters
contained in this report should contact:-

Planning Applications	Paul Staniforth	345781
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Delegated List
Planning Applications

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00208/FUL	St Helens	<p>internal alterations and external alterations including the installation of log burning flue, replacement of existing windows and creation of a new window opening and blocking up kitchen door opening</p> <p>At Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW For Mr Andrew Bird</p>	CP	11/03/2022
CHE/21/00209/LBC	St Helens	<p>Listed Building Consent for internal alterations and external alterations including the installation of log burning flue, replacement of existing windows and creation of a new window opening and blocking up kitchen door opening</p> <p>At Ashton Lodge 28 Abercrombie Street Chesterfield S41 7LW For Mr Andrew Bird</p>	CP	11/03/2022
CHE/21/00418/FUL	Brimington South	<p>Removal of existing outbuildings and construction of two storey rear extension (revised drawings received 06.09.2021)</p> <p>At 145 Station Road Brimington S43 1LJ For Rob Carlin</p>	CP	15/03/2022
CHE/21/00438/FUL	St Leonards	<p>Two-storey Urgent Care and Emergency Department extension to existing hospital</p> <p>At Chesterfield and North Derbyshire Royal Hospital Chesterfield Road Calow S44 5BL For Ryan McCormack</p>	CP	18/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00484/REM	Brimington South	Variation of condition 2 (use of timber cladding instead of stone for garages) and removal of condition 10 as wildlife habitat already demolished) of CHE/18/00764/FUL - Redevelopment of a previously-developed site for 2. 'self-build' dwellings and garages At Oldfield Farm Wetlands Lane Brimington S43 1QG For Mr and Mrs Walters	CP	22/03/2022
CHE/21/00485/DOC	Brimington South	Discharge of planning condition 12 (materials) of CHE/18/00764/FUL - Redevelopment of a previously-developed site for 2 no. 'self-build' dwellings and garages At Oldfield Farm Wetlands Lane Brimington S43 1QG For Mr and Mrs Walters	DPC	04/03/2022
CHE/21/00508/FUL	Middlecroft And Poolsbrook	Erection of 3 detached dwellings - revised information received 07/09/2021, revised drawings received 05/11/2021. At land Adj Former St Josephs Rc Church Chesterfield Road Staveley Chesterfield S43 3QF For Bellfield Construction Ltd	REF	21/03/2022
CHE/21/00678/FUL	West	Demolition of existing conservatory and erection of a single storey/two storey rear extension At 62 Storrs Road Chesterfield S40 3PZ For Mr Tim Vice	REF	18/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00732/FUL	Linacre	<p>Dormer loft conversion Including raising ridge by 1m and full render of property and demolition of existing garage and erection of rendered self contained annexe for a dependent relative Single Storey Rear Extension (Permitted Development)</p> <p>At 4 Woodland Walk Holme Hall Chesterfield S40 4YB For Mrs J Lankford</p>	CP	07/03/2022
CHE/21/00736/FUL	St Leonards	<p>Two storey extension to front of dwelling - revised drawings received 22.02.2022</p> <p>At 40 St Philips Drive Hasland Chesterfield S41 0RG</p> <p>For Mr and Mrs McGuire</p>	CP	22/03/2022
CHE/21/00737/FUL	St Leonards	<p>External alterations to the south and east elevations of the building</p> <p>At Unit 1 Ravenside Retail Park Park Road Chesterfield S40 1TB</p> <p>For LS Chesterfield Limited</p>	CP	14/03/2022
CHE/21/00748/FUL	West	<p>Demolition of the existing bungalow, re-build retaining wall to southern boundary and erection of a new detached dwelling - Revised Drawing Received 14.11.2021, further drawing received 15.12.2021, revised drawings received 02.02.2022</p> <p>At 15 Chapel Lane West Chesterfield S40 3BG</p> <p>For Mr David Knight</p>	CP	09/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00752/FUL	Moor	New vehicle smart repair/photo building. At Arnold Clark Motorstore Meltham Lane Chesterfield S41 7LG For Arnold Clark Automobiles	CP	15/03/2022
CHE/21/00814/OUT	Old Whittington	Outline planning for erection of B2 Industrial unit At Unit 52 Carrwood Road Chesterfield Trading Estate Chesterfield For A Mason	REF	09/03/2022
CHE/21/00820/FUL	West	Proposed second storey side and single storey rear extension At 31 Queen Mary Road Chesterfield S40 3LB For M Hopkinson	CP	08/03/2022
CHE/21/00841/DOC	Brimington South	Discharge of planning condition 17 of planning application CHE/18/00532/OUT At Land To The North Of Northmoor View Brimington For Vistry (Yorkshire) Ltd	DPC	04/03/2022
CHE/21/00865/FUL	Brockwell	Dormers and gables to existing loft conversion, conversion of garage to living space, alterations to existing conservatory to an orangery, extension to side elevation to create utility room, extension to front elevation to create ensuite, and kitchen, and balcony. At 91 Hawksley Avenue Chesterfield S40 4TJ For Cand K Smart Homes LTD	REF	22/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00870/ADV	Moor	Installation of 1 x 48 sheet freestanding digital advertising display unit, measuring 3.2m high x 6.2m wide, and comprising pressed metal frame with sealed LED screen At Proact Stadium 1866 Sheffield Road Whittington Moor S41 8NZ For Chesterfield Football Club Ltd	REF	21/03/2022
CHE/21/00901/ADV	Brockwell	Replacement illuminated and non illuminated signage At 49 Queen Street Chesterfield S40 4SF For Admiral Taverns	CP	17/03/2022
CHE/21/00917/FUL	West	Demolition of existing rear extensions and conservatory and erection of two storey rear/side extension and single storey side extension, erection of new boundary wall and entrance gates and new velux roof lights to existing roof space. At 14 Oakfield Avenue Chesterfield S40 3LE For Mr Camm	CP	09/03/2022
CHE/21/00925/DOC	St Leonards	Discharge of condition 8 (surface water drainage) of CHE/16/00222/FUL Refurbishment and extension of existing Bank Close House with provision of new vehicular access off Hasland Road At Bank Close House Residential Home Hasland Road Hasland S41 0RZ For Vital Balance LTD	DPC	09/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/21/00939/FUL	Walton	Single storey rear extension to dwelling At 175 Walton Road Walton S40 3BX For Mr Geoff Foulds	CP	22/03/2022
CHE/22/00002/FUL	Brimington South	Vehicle access driveway/ramp to access garage to rear of the property At 11 Station Road Brimington Chesterfield S43 1JH For Mr Damion Spencer	CP	09/03/2022
CHE/22/00011/FUL	Brimington South	Removal of existing conservatory and erection of new single storey rear extension. At 73 Cotterhill Lane Brimington S43 1NL For Mr and Mrs Marsden	CP	08/03/2022
CHE/22/00013/FUL	Walton	Extend front of the house living room and hallway outwards by 2 metres. Single storey only with matching tile pitched roof. At 16 Tylney Road Walton S40 3NZ For Mr Neil Turner	CP	18/03/2022
CHE/22/00014/FUL	Moor	Proposed bedroom extension to turn elderly person 20 bed nursing home into 21 bed nursing home (1 unit) At Ridgewood House Residential Home 13 Dukes Drive Newbold S41 8QB For Ridgewood House Residential Home	CP	09/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00018/FUL	Rother	Detached garage At 94 St Augustines Avenue Birdholme S40 2SJ For Mr Johnathan Lait	CP	21/03/2022
CHE/22/00019/REM	St Helens	Variation of condition 23 of approved CHE/20/00695/FUL to amend the boundary treatments At Unit 218 Sheffield Road Stonegravels Chesterfield S41 7JN For Derbyshire County Council, Chesterfield Borough Council &...	CP	07/03/2022
CHE/22/00023/FUL	Brockwell	Re-submission of CHE/20/00594/FUL - Two-storey rear extension providing a new kitchen / living area on the ground floor and additional first floor bedrooms At 38 Brooklyn Drive Brockwell Chesterfield S40 4BB For Mr Ashley Winter	CP	11/03/2022
CHE/22/00025/FUL	Brockwell	Surfacing the driveway and erection of new front gates and railings At 196 Ashgate Road Chesterfield S40 4AL For Mr M Lees	CP	09/03/2022
CHE/22/00026/DOC	Middlecroft And Poolsbrook	Discharge of conditions 3 (materials) (drainage), 6 (drainage), 7 (desk top study), 8 (soil sampling), 9 (biodiversity enhancement) and 10 (soft landscaping) of CHE/19/00514/FUL - Erection of two new three bedroom dwellings At Land At Rowsley Crescent Staveley Chesterfield For Chesterfield Borough Council	5 PDOC	08/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00033/FUL	Linacre	Single storey side extension At 6 Etwall Close Holme Hall Chesterfield S40 4UJ For Mr and Mrs Gillott	CP	08/03/2022
CHE/22/00037/FUL	Brimington North	first floor side/rear extension At 33 Peterdale Road Brimington Chesterfield S43 1JA For Mrs Rosemary Waltham	CP	16/03/2022
CHE/22/00040/DOC	Brimington South	Discharge of Condition 7 (Coal Mining) of CHE/18/00532/OUT At Land To The North Of Northmoor View Brimington For Vistry Housebuilding (Yorkshire)	DPC	04/03/2022
CHE/22/00043/PA	Dunston	Change of use and internal works to office space for conversion of property into four 2 bedroom flats - two on the first floor and two on the second floor. At Storage Above 431 - 435 Sheffield Road Whittington Moor Chesterfield S41 8LU For Mr Ronald Taylor	REF	18/03/2022
CHE/22/00047/DOC	Hollingwood And Inkersall	Discharge of condition 3 (construction details) of CHE/21/00496/FUL -Two storey side extension forming enlarged kitchen At 34 Acacia Avenue Hollingwood S43 2JE For Mrs Simone Bradbury	DPC	18/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00059/ADV	Holmebrook	External signage At 165 Chatsworth Road Chesterfield S40 2AU For Gotham Newco 2 Ltd	CP	14/03/2022
CHE/22/00066/DOC	Brimington South	Discharge of planning condition 3 of CHE/18/00765/PNCOU - change of use of existing agricultural building to class C3 (Dwellinghouse) including creation of domestic curtilage and vehicle parking area At Oldfield Farm Wetlands Lane Brimington S43 1QG For Mr Walters	DPC	11/03/2022
CHE/22/00073/DOC	Middlecroft And Poolsbrook	Discharge of condition 4 (Development Framework plan) of CHE/19/00131/OUT - Outline planning permission for up to 400 dwellings and provision of an area of public open space, with associated landscaping and access from Inkersall Road and Inkersall Green Road At Land To West Of Inkersall Road Staveley For Barratt Homes	DPC	11/03/2022
CHE/22/00077/TPD	West	Single storey rear extension At 8 Miriam Avenue Somersall S40 3NF For Mr and Mrs Longley	PANR	09/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00082/HER	Dunston	Removal of 6m length of protected hedgerow to facilitate a temporary access point for site works At Land To The West Of Dunston Lane Newbold For William Davis Ltd	CP	11/03/2022
CHE/22/00084/NMA	Lowgates And Woodthorpe	Non material amendment to CHE/18/00194/FUL to add two sets of double doors instead of one single door to the south elevation and to enclose the veranda overhang At Land North Of Bridle Road Woodthorpe Chesterfield For Mrs Emma Weatherall	CPNMAZ	07/03/2022
CHE/22/00089/DOC	St Helens	Discharge of planning condition 21 (site investigation) of CHE/18/00626/REM1 - Variation of conditions 31 (highway improvements), 37 (junction improvements Holbeck Close/Brimington Road), 39 (junction improvements Brewery St/Brimington Road) 41 (pedestrian crossing) and 45 (approved plans) of CHE/16/00183/REM1 At Chesterfield Waterside Development Brimington Road Tapton Chesterfield For Chesterfield Waterside Ltd	DPC	17/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00102/TPO	Brockwell	<p>The trees are numbered from T1 to T12 within our property boundary area, and a sketch of their locations is provided in Schedule 2 of the attached tree survey report (Page 8). The schedule of works proposed to trees T1 to T12 is contained in Schedule 1 of the attached tree survey report (Page 6). The tree numbers T1 to T12 are not the original numbers found in the Tree Preservation Order, since we understand that the TPO covers a 'group of trees' rather than individually numbered trees). We have identified them in this way for ease of reference and have matched these numbers to the descriptions of the trees on our property as requested.</p> <p>At 35 Pomegranate Road Newbold S41 7BL</p> <p>For Ms Gemma Gregory</p>	CP	04/03/2022
CHE/22/00114/TPD	Brimington South	<p>Ground floor extension to the rear elevation</p> <p>At 16 Grove Gardens Brimington S43 1QS</p> <p>For Mr James Hamley</p>	PANR	22/03/2022
CHE/22/00122/TPO	Barrow Hill And New Whittington	<p>Sycamore (T3) - Fell tree by sections to ground level and plant suitable replacement nearby.</p> <p>At 220 Handley Road New Whittington S43 2ER</p> <p>For Mr Patrick Morissey</p>	CP	08/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00131/TPO	Brockwell	<p>Crown Lift Row of lime trees to approx 5.2m over road. Clear BT lines and remove epicormic growth from stems.</p> <p>At 38 Gladstone Road Chesterfield S40 4TE</p> <p>For Mr Michael Brent</p>	CP	08/03/2022
CHE/22/00141/TPO	Barrow Hill And New Whittington	<p>Felling of one dangerous Horse chestnut tree reference T4 of TPO 147</p> <p>At Elmwood House 141 High Street Old Whittington S41 9LQ</p> <p>For Dronfield Tree Services</p>	CP	08/03/2022
CHE/22/00155/CA	Brockwell	<p>Removal of one sycamore tree which is unstable at the root plate</p> <p>At Junction At St Helens Close and Newbold Road Chesterfield</p> <p>For Mrs Pat Maskrey</p>	UP	14/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00161/TPO	Barrow Hill And New Whittington	<p>Tree number two and six in a run of 6 from the farmhouse to the gap in the trees by the pond, alongside the the B6052 High Street need to be removed. The tree stumps will be left in situ for wildlife and the replacement trees (oak and Alder) will be planted slightly further into the land/ away from the dead stumps. The trees will be removed by a tree surgeon and the usual precautions taken to protect the road users and pedestrians when this work takes place. Only two trees that are dead and are a possible risk of falling on the road will be removed.</p> <p>At Green Farm 175 High Street Old Whittington S41 9LH</p> <p>For Mrs Anne Kangley</p>	CP	17/03/2022
CHE/22/00164/DOC	Rother	<p>Discharge of condition 19 (boundary Treatment) of CHE/20/00078/FUL</p> <p>At The Trumpeter Harehill Road Grangewood S40 2NG</p> <p>For Erica Developments Ltd</p>	CP	15/03/2022
CHE/22/00174/TPO	Brockwell	<p>T10 Maple - to clear telephone wires, crown lift by a maximum of 2.5m when measured from garden area.</p> <p>At 38 Gladstone Road Chesterfield S40 4TE</p> <p>For Mr Michael Brent</p>	CP	17/03/2022

Code No FileNo	Ward	Proposal	Decision	Decision Date
CHE/22/00179/TPO West	West	<p>Felling of two dangerous trees - TPO 1 CP (1974) Remove One dead sycamore from A2 , TPO 158 (1996) Remove one Lombardy Poplar</p> <p>At Brampton Manor 107 Old Road Chesterfield S40 3QR</p> <p>For Mr Ross Coverdale Pearson</p>	CP	18/03/2022

COMMITTEE/SUB	Planning Committee
DATE OF MEETING	4 th April 2022
TITLE	DELEGATION
PUBLICITY	For Publication
CONTENTS	Items approved by the Development Management and Conservation Manager under the following Delegation references:- Felling and Pruning of Trees P100D, P120D, P130D
RECOMMENDATIONS	Not applicable
LIST OF BACKGROUND PAPERS	Relevant applications

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact:-

Applications to Fell or Prune Trees	Steve Perry	345791
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SECTION 1**APPLICATION TO FELL OR PRUNE TREES**

<u>CODE NO</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>
CHE/22/00102/TPO TPO 4901.281 04/03/22	The felling of 2 Lombardy Poplar trees and the pruning of 7 Lombardy Poplar trees within G1 on the Order Map for Ms Gregory of 35 Pomegranate Road, Newbold.	Consent is granted to the felling of 2 Poplar trees with a condition to plant one Hawthorn replacement tree in the first planting season after removal and the pruning of 7 Poplar trees to reduce the height to previous pollarding points, the removal of dead wood and crown lifting to 3m.
CHE/22/00131/TPO TPO 4901.138 08/03/22	The pruning of five Lime trees reference T6-T9 & T11 on the Order map for Mr Brent at 38 Gladstone Road.	Consent is granted to the crown lifting of the trees by 5.2 metres to clear the public highway and to crown clean to remove epicormic growth and dead wood, and to clear telephone wires. Consent is also granted to prune two small roots of T9 Lime which are lifting the paving slabs make a clean cut just beyond the patio area.
CHE/22/00122/TPO TPO 4901.22 08/03/22	The felling of 1 Sycamore tree within A2 on the Order Map for Underwood Tree Services at 220 Handley Road, New Whittington.	Consent is granted to the felling of one Sycamore tree. After an aerial inspection it was found that there was extensive decay in the upper main stem compromising the safety of the tree. Condition attached to plant a replacement Hawthorn or Mountain Ash tree in the first planting season after felling.

<p>CHE/22/00132/TPOEXP TPO 4901.147 08/03/22</p>	<p>The felling of one dangerous Horsechestnut tree reference T4 on the Order map for Dronfield Tree Services at Elmwood House, High Street, Old Whittington.</p>	<p>Consent is granted to the felling of one Horsechestnut tree which has severe decay at the base of the tree and is located directly adjacent to High Street, Old Whittington. A condition has been attached to plant a replacement Maple tree in the first available planting season after felling.</p>
<p>CHE/22/00161/TPO TPO 4901.149 17/03/22</p>	<p>The felling of two dangerous Horsechestnut tree reference T91 & T95 on the Order map for Mrs Kangley at Green Farm,175 High Street, Old Whittington.</p>	<p>Consent is granted to the felling of two trees with basal decay in the main stem and which are located adjacent to the public highway. Condition attached to plant one Oak and one Alder tree is the first available planting season after felling.</p>
<p>CHE/22/00174/TPO TPO 4901.138 17/03/22</p>	<p>The pruning of one Maple tree reference T10 on the Order map for Mr Brent at 38 Gladstone Road.</p>	<p>Consent is granted to crown lift the tree to 2.5 metres and clear telephone wires.</p>
<p>CHE/22/00179/TPOEXP TPO 4901.01 & 158 18/03/22</p>	<p>The felling of two trees reference T19 Lombardy Poplar of TPO 158 which has decay at the base and one Sycamore within A2 of TPO 01 which is dead for Brampton Manor, Brampton.</p>	<p>Consent is granted to the felling of two trees with a duty to plant one Lime and one Oak tree as replacements is the first available planting season after felling.</p>

SECTION 2**NOTIFICATION OF INTENT TO AFFECT TREES IN A CONSERVATION AREA**

<u>CONTENTS OF NOTICE</u>	<u>SUMMARY OF CONSIDERATIONS</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/22/00155/CA The felling of one Sycamore tree at the junction of St Helens Close and Newbold Road, Chesterfield.	The tree is within the Abercrombie Street Conservation Area and the applicant wishes to fell the tree due to root plate movement during the recent storms which has caused damage to the stone retaining wall and lifted the tarmac pavement.	Agreement to the felling of one Sycamore tree due to the high risk of failure. No replacement tree is required on this occasion due to no suitable planting location in the hard surfaced area.	10/03/22

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SECTION 3**HEDGEROW REMOVAL NOTICE (REGULATION 5(I))**

<u>APPLICATION</u>	<u>DESCRIPTION OF PROPOSAL</u>	<u>TERMS OF DECISION</u>	<u>DATE OF DECISION</u>
CHE/22/00082/HERM	The removal of 6 metres of Hedgerow on land off Dunston Road to the west of the William Davis development site grid reference SK 436891 373909 for construction access to store materials.	Consent is granted to the removal of 6 metres of hedgerow. The hedgerow has been surveyed and was found to be not 'Important' under the criteria set out in the Hedgerow Regulations 1997	11/03/22

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APPEALS REPORT

MEETING: PLANNING COMMITTEE
DATE: 4th April 2022
REPORT BY: DEVELOPMENT MANAGEMENT AND
CONSERVATION MANAGER

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS

<u>TITLE</u>	<u>LOCATION</u>
Non exempt papers on files referred to in report	Development Management Section Planning Service Town Hall Chesterfield

1.0 PURPOSE OF REPORT

- 1.1 To inform Members regarding the current status of appeals being dealt with by the Council.

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT AND CONSERVATION
MANAGER

These are reported to Planning Committee for information only. Anyone requiring further information on any of the matters contained in this report should contact Paul Staniforth on 01246 345781.

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APPEALS

<u>FILE NO.</u>	<u>WARD</u>	<u>APPELLANT</u>	<u>CASE</u>	<u>MEMBER OFFICER</u>	<u>DATE REC</u>	<u>TYPE AND DATE</u>	<u>DECISION AND DATE</u>
2/3905	Walton ward	Mr J Lyne	CHE/21/00079/OUT Dwelling to rear of 92 Foljambe Avenue Refusal	Planning Committee	19/8/21	Written Reps	Dismissed 21/03/22 see Appendix B
2/1675	West ward	Dr C J Martin	CHE/21/00527/TPO – Felling of Lime T1 at 2 Somersall Lane Refusal	Officer delegation	20/9/21	Written Reps (fast track)	
2/69	St Leonards ward	Mr F Casey	CHE/21/00314/PA Prior Approval for Raising roof to create an additional storey at 35 Spital Lane	Officer delegation	29/9/21	Written Reps	
2/2441	Brimington North ward	Mr Browett	CHE/21/00421/PA Prior Approval for an additional storey at 45 Rother Avenue	Officer delegation	27/10/21	Written Reps	Dismissed 09/03/22 see appendix A
2/5885	Hasland ward	Mr J Toulson	CHE/21/00546/FUL driveway at 142 Mansfield Road Refusal	Officer delegation	25/1/22	Written Reps	
2/1698	Middlecroft and Poolsbrook ward	Mrs Sheila Blankley	CHE/21/00761/OUT 3 eco single storey dwellings at The Dumbles, Inkersall Green Road Refusal	Officer delegation	09/02/22	Written Reps	

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Appendix A
Appeal by Mr Browett
Additional Storey Extension at 45 Rother Avenue, Brimington,
Chesterfield.
CHE/21/00421/PA

1. Planning permission was refused on 11th October 2021 for Prior Approval for an additional storey extension at 45 Rother Avenue. The reasons for refusal were:

“In reference to Part AA.2 Paragraph 3 a (ii) the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway, the proposal is not considered to be acceptable in regards the visual impact on the dwelling. The development would lead to an adverse impact on the external appearance of the dwelling house. The additional height would spoil the existing appearance of uniformity in the street-scene resulting in the house looking prominent and incongruous. Therefore, the proposal would unacceptably harm the character and appearance of the dwelling and street, which is considered to be at odds with the advice set out in paragraphs 130 and 134 in the NPPF 2021.”

2. An appeal against the decision has been determined by the fast track written representation appeal method and has been dismissed.

Procedure

3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse by the construction of additional storeys subject to limitations and conditions, including a requirement to submit an application for prior approval. Paragraph AA.2.3(a) to Part 1 requires the local planning authority to assess the impact of the proposed development in a number of respects, including in terms of the impact on the external appearance of the dwellinghouse.

4. The main issue in this case is the impact of the proposed development on the external appearance of the dwellinghouse.
5. The appeal property is a semi-detached dwelling located within a residential housing estate. It is positioned in a short row of similar semi-detached properties and next to a bungalow. Dwellings on this side of Rother Avenue are arranged in a linear form fronting onto the public highway. There are a mix of dwelling styles in the surrounding area, including bungalows, dormer bungalows, semi-detached and detached dwellings. Dwelling heights in the vicinity are exclusively either single storey, one and a half storey or two storeys. These factors contribute positively to the character and appearance of the area and to how the appeal dwelling sits within it.
6. The proposal would introduce one additional storey to the appeal dwelling. As the property forms part of a pair of semi-detached dwellings, this would lead to half of the building being a storey higher than the other half. It would also result in the appeal dwelling being substantially higher than the bungalow adjacent to it to the other side boundary. The inspector considered that these relationships would be visually jarring both individually and when taken together, they would disrupt the relative uniformity and consistency of the street scene and they would result in a development that would as a whole appear incongruous within its surroundings. This would cause significant harm to the external appearance of the dwellinghouse.
7. Reference was made to the ridge heights of the existing dwellings at 1 and 3 Totle Mount in comparison to the ridge height of the appeal proposal. However, the inspector considered any similarity in height would arise because those dwellings are sited on a higher ground level due to the topography of the surrounding area and not because the dwellings themselves would be of an equivalent height above their respective ground levels. No 1 and No 3 also have a consistent ridge height extending across the building. The inspector considered the impact arising from those dwellings is therefore not comparable to the impact that would arise from the appeal proposal.

8. The appeal site is located within an established urban area and the proposal could potentially contribute to reducing pressure to provide additional living spaces in less preferable locations, including the Green Belt. However, the inspector was required to make his assessment as to whether or not prior approval should be granted on the basis that is set out in the GDPO. That is therefore the approach that he took in determining the appeal.

9. For the above reasons, the inspector concluded that the proposal would cause significant harm to the external appearance of the dwellinghouse. In reaching this conclusion he had regard to the National Planning Policy Framework and find that the proposal would fail to achieve well-designed places and to ensure that upward extensions would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.

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Appendix B

Appeal by Mr Lyne

Outline for single dwelling on former garden land to rear 92

Foljambe Avenue, Walton, Chesterfield.

CHE/21/00079/OUT

1. Planning permission was refused on 20th April 2021 for outline permission for a single dwelling on former garden land to rear 92 Foljambe Avenue with access off Errington Road. The 4 reasons for refusal were:

“1. Insufficient information has been provided to properly assess any potential risk posed by unrecorded coal mining legacy at the development site and therefore the proposed development does not accord with the requirements of the paragraph 178 of the National Planning Policy Framework and the provisions of policy CLP14 of the Chesterfield Borough Local Plan 2018-2035.”

“2. The erection of a two storey dwelling on the application site would significantly erode this established pattern of development in the area on Foljambe Avenue. The limited size and shape of the application site, in combination with half of the site frontage overlapping the front boundary of no. 29 Errington Road, would render the proposal a cramped and incongruous form of development to the detriment of the character and appearance of the area. Accordingly, this application is considered to conflict with the design objectives of Policy CLP20 of the Chesterfield Borough Local Plan and the advice contained within the Council's SPD 'Successful Places' (2013) and the NPPF, in particular Chapter 12”.

“3. The siting of a proposed dwelling close to the eastern boundary with Errington Road would lead to an unacceptable impact on the residential amenity of no. 29 Errington Road through loss of sunlight and a massing effect. In addition, a two storey dwelling on the narrow site would result in a significant massing and overshadowing effect on the rear garden of no. 90 Foljambe Avenue and a loss of privacy to adjoining properties no's 90, 92 and 94 Foljambe Avenue through the first floor window arrangement. Accordingly, the proposal is contrary to the

requirements of Policies CLP14 and CLP20 of the Core Strategy (2013) and the advice contained within the Council's 'Successful Places' SPD (2013) and the National Planning Policy Framework (2019)".

"4. The approach to the site from Errington Road would be at an unconventional angle across the footpath that surrounds the cul-de-sac and close to the end of a footpath that links Errington Road with Foljambe Avenue. The Local Planning Authority considers that this results in unacceptable risks to pedestrian safety which is exacerbated as the site is too constrained to provide space within the site to exit in a forward gear. As there is no turning facility provided at the end of Errington Road a vehicle leaving the property will have to complete an excessively long reversing manoeuvre into either Gilbert Avenue or the site. This is considered inappropriate bearing in mind the relatively high level of pedestrian activity in the vicinity owing to the location of a public footpath between nos. 92 and 94 Foljambe Avenue. Accordingly, the proposal is considered contrary to the requirements of Policy CLP20 of the Chesterfield Borough Local Plan to the detriment of pedestrian and highway safety."

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.

Procedural Issue

3. Through the course of the appeal a Coal Mining Risk Assessment was subsequently submitted by the appellant and which adequately addressed the first reason for refusal on its decision notice. The inspectors decision did not therefore address this reason for refusal.
4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area;
 - living conditions of neighbouring residents with regard to outlook, privacy and light; and
 - pedestrian and highway safety.

5. The appeal site formed part of the rear garden of 92 Foljambe Avenue, a two storey semi-detached dwelling located in a residential area. A fence has been erected between the rear of the site and the remainder of the rear garden of no. 92. The proposed development would comprise a single dwelling with provision for two parking spaces. The application form and supporting statement indicates that the dwelling would have two bedrooms. The plans illustrate a two storey dwelling with a single storey section to the rear. Access would be off Errington Road to the east.

Character and Appearance

6. There is some variety in the age, design and scale of the properties on Foljambe Avenue. However, a consistent urban grain is apparent, in particular the positioning of the properties within their plots, the long rear gardens for the majority of the properties, and the relationship with the dwellings to the east on Gilbert Avenue. There is some boundary treatment such as fencing and hedges between the rear gardens, a number of ancillary outbuildings such as garages and sheds, and a small number of properties that have a similar plot size to that proposed. Nevertheless, there is an open aspect between the gardens that gives a distinctly spacious quality to this area.
7. The proposed dwelling would be visible from certain vantage points along Foljambe Avenue and from the footpath along its southern boundary, as well as properties within the vicinity. The introduction of a new dwelling into what is, in effect, a garden location, would be markedly uncharacteristic of the established pattern of development in this area. Furthermore, it would introduce a multitiered pattern of development that would be at odds with the spacious quality experienced in the vicinity.
8. Although matters of layout and scale are reserved for future consideration, given the size of the plot and the guidance on separation distances and outdoor amenity space requirements in the Council's Successful Places Supplementary Planning Document, 2013 (the SPD), there would be limited options in terms of where the dwelling could be sited. The illustrative plans show a location for the proposed dwelling within the site that would not sit comfortably within the street scene of the area to the east, notwithstanding that the pattern of

development in this area is different to that of Foljambe Avenue, with the dwellings generally being on smaller plots, although still larger than the site.

9. The size of plot, its location at the end of Errington Road with the resulting overlapping frontage with no. 29, would result in a development that would appear visually cramped. As a result, the proposed development would appear as an incongruous feature within the street scene and would unacceptably diminish the character and appearance of this area.
10. There are examples of properties with overlapping front boundaries in the vicinity including 14/16 Gilbert Avenue and 10/12 and 9/11 Lancelot Close. However, these properties are located at the heads of cul de sacs which have a wide hammerhead. Consequently, the area appears relatively spacious, despite the overlapping front boundaries of a number of the dwellings. This would not be the case with the proposed development, which would be located at the end of Errington Road where there is no spacious hammerhead. As such, the examples cited by the appellant are not readily comparable to the appeal scheme and the inspector could not draw any direct comparisons that would weigh in its favour.
11. Two proposals granted permission were drawn to the inspectors attention as examples of where schemes have been found to be acceptable on what the appellant considers to be similarly proportioned plots. The inspector did not have details of these cases and so could not be sure that the locational context or the circumstances that led to their approval are the same or very similar to the proposed development for him to draw any direct comparison. He therefore gave these examples limited weight. In any case, the inspector determined the appeal on its own merits.
12. The proposed development would significantly harm the character and appearance of the area. Consequently, it would conflict with Policy CLP20 of the Chesterfield Borough Local Plan, adopted 2020 (the Local Plan) which requires development to respond positively to the character of the site and surroundings and respect local distinctiveness amongst

other matters. It would also be contrary to the design guidance in the SPD and chapter 12 of the National Planning Policy Framework (the Framework) which require regard to be had to local character.

Living Conditions

13. Given the likely height and lack of separation distance, the proposed dwelling would create a dominant feature that would have an overbearing effect on the outlook from the front habitable room windows of 29 Errington Road. The appellant has undertaken a calculation following the guidance in the BRE report¹ to establish whether no. 29 would still receive enough daylight. This shows that it would be possible to design a dwelling that would be unlikely to have a substantial effect on daylight to this property. However, as the proposed dwelling would be located to the south west of no. 29, it would cast a shadow towards the front of this dwelling in the afternoon, and this would exacerbate the harmful loss of outlook for residents of this property.
14. The illustrative plans show that the gable end of the proposed dwelling would sit immediately adjacent to the boundary with 90 Foljambe Avenue. Although siting is a reserved matter, given the width of the plot, it is likely that the dwelling would have to sit very close to the boundary. Given the lack of separation distance, the proposed development would increase the degree of enclosure to the rear garden and would create a dominant feature that would have an overbearing effect on the outlook from the rear garden of no. 90.
15. The proposed dwelling would be sited to the south of the rear garden of 90 Foljambe Avenue. It would therefore cause some overshadowing to parts of the rear garden at certain times of day. The BRE report advises that for a garden to appear adequately sunlit through the year at least half the area should receive at least two hours of sunlight on the 21st March. Given the size of the rear garden, it is likely that the proposed development would not conflict with this guidance.
16. A dwelling could be sited on the plot that would maintain an adequate separation distance between it and the existing dwellings at 90, 92 and 94 Foljambe Avenue such that there would be no unacceptable loss of privacy to habitable rooms

to the rear of these dwellings. However, there would be the potential for some overlooking of the rear gardens of these properties from first floor level windows.

17. Given the likely angle of view, the proposed development would not result in an unacceptable degree of overlooking of the rear garden of no. 90. There would be a reasonable separation distance between the proposed dwelling and rear garden of no. 92 such that there would not be an unacceptable loss of privacy. Given the likely orientation of the proposed dwelling, the most direct views would be towards the rear garden of no. 94. However, this would not be materially different from the current situation in terms of potential for overlooking between gardens. In addition, the appellant has indicated potential design options for the rear first floor windows that would further reduce the potential for overlooking.
18. Pulling these points on living conditions together, the inspector did not find unacceptable harm to the living conditions of residents of 90, 92 and 94 Foljambe Avenue with regards to a loss of privacy. I find that residents of 92 Foljambe Avenue and 29 Errington Road would not experience an unacceptable loss of light, but there would be harm to the living conditions of residents of these properties with regard to outlook.
19. Accordingly, the proposed development would conflict with Policies CLP14 and CLP20 of the Local Plan which require development to have an acceptable impact on the amenity of neighbours amongst other matters. It would also be contrary to the advice in the SPD regarding amenity, and the requirements of the Framework which seek to ensure a high standard of amenity for existing users amongst other considerations.

Pedestrian and Highway Safety

20. Given the location of the site in relation to 29 Errington Road, and the likely layout of the parking areas, given that they would be limited in where they could be located given the plot constraints, access into and out of the site would in all likelihood be across the pavement and the end of the footpath that links Foljambe Avenue with Errington Road.

21. It would be difficult, if reversing out of the site, to have a full view of the pavement or footpath. Furthermore, the proposed development would result in an increase in the likelihood of vehicles manoeuvring within Errington Road, including reversing to Gilbert Avenue or trying to turn within the road. Although the properties on Errington Road have off-street parking provision, the information submitted indicates that on-street parking does occur, including outside no. 29 which is adjacent to the site. This tallies with what the inspector observed, acknowledging that his site visit was only a snapshot in time. The parking of vehicles, in particular in proximity to no. 29, would further increase the manoeuvring required to access and exit the site.
22. The access to the site would result in manoeuvring difficulties for users of the parking spaces within the site, including across pedestrian access areas. This would present an unacceptable risk to the safety of road users and pedestrians.
23. The Highway Authority does not object to the proposed development subject to conditions including provision of adequate visibility, the provision of two parking spaces and an acceptable gradient of drive. However, from the information submitted, it appears that highways officers did not visit the site due to COVID restrictions in place.
24. The appellant highlights examples which he considers are comparable to the access arrangements for the appeal scheme. The appellant has undertaken a survey of usage of the footpath to support the contention that it is not well used, which is contrary to the views expressed by a number of local residents. Whilst there may be comparable examples, and even if the usage of the footpath is not as high as local residents contend, neither point provides sufficient justification to allow a development that would give rise to the pedestrian and highway safety concerns identified above.
25. The appellant states that the footpath is part owned by him and another party, although a number of interested parties dispute this. The plans submitted with the application do not indicate that the footpath is in the ownership of the appellant. Therefore, the inspector could not consider that it falls within land under the control of the appellant and so cannot be sure

that the pedestrian safety mitigation measures identified for the footpath itself could be delivered.

26. The proposed development would have an unacceptable impact on pedestrian and highway safety. It would therefore conflict with Policy CLP20 of the Local Plan, which requires development to provide adequate and safe vehicle access and parking and a safe, convenient and attractive environment for pedestrians and cyclists.
27. The proposed development would conflict with the development plan taken as a whole, as well as the Framework. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with it.

FOR PUBLICATION Agenda Item 8

ENFORCEMENT REPORT

MEETING: PLANNING COMMITTEE
DATE: 4TH APRIL 2022
REPORT BY: HEAD OF REGULATORY LAW
DEVELOPMENT MANAGEMENT & CONSERVATION MANAGER
WARD: As listed in the report

FOR PUBLICATION

TITLE: Non-exempt papers (if any) on relevant files

BACKGROUND PAPERS

LOCATION: LEGAL SERVICES

1.0 PURPOSE OF REPORT

1.1 For non-exempt information about current formal enforcement progress.

2.0 BACKGROUND

2.1 The table summarises formal planning enforcement by the Council.

3.0 INFORMAL ACTION

3.1 Formal enforcement is a last resort, with most planning problems resolved without formal action (in accordance with government guidance). More information on informal enforcement is available from the Enforcement team.

4.0 MORE INFORMATION ABOUT THE TABLE

4.1 A summary of the main types of planning enforcement action available to the Council and penalties for non-compliance is available from Legal Services.

5.0 RECOMMENDATION

5.1 That the report be noted.

GERARD ROGERS
HEAD OF REGULATORY LAW

PAUL STANIFORTH
DEVELOPMENT MANAGEMENT
& CONSERVATION MANAGER

Further information on this report from Gerard Rogers, Regulatory Law
Tel 01246 936471 or email gerard.rogers@chesterfield.gov.uk

Enforcements currently Authorised: 6

ENFORCEMENT REPORT

23 March 2022

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
Breach of Condition Notice		<i>Total currently Authorised: 1</i>		<i>Authorised to Issue Average: 540 days</i>					
York Street	2 23/09/19 912	balcony, canopy and french door	17/00800/FUL	16/03/21 540	16/03/21 372	16/04/21 341	Issued. One month to submit details. Then 6 months after approval to carry out works. Not complied. Prosecute - awaiting instructions.	<input type="checkbox"/> 18/03/21	Ha
Enforcement Notice		<i>Total currently Authorised: 3</i>		<i>Authorised to Issue Average: 31 days</i>					
Markham Road	Markham House 18/02/08 5,147	storage of commercial vehicles		20/03/08 31	18/04/08 5087	20/10/08 4902	Complied by 2009. Unauthorised use has started again. Prosecute - awaiting instructions.	<input type="checkbox"/> 14/11/19	HI
Pottery Lane West	10 06/01/20 807	two unauthorised metal structures.		06/02/20 31	15/10/20 524	12/11/20 496	Initially action against one structure approved 12/11/19, then second structure installed and further report on both structures approved 06/01/20. Issued. Appeal dismissed. Prosecute. Instructed. In court 07/04/22 (court changed date).	<input type="checkbox"/> 20/01/22	Mo

Address		Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
York Street	2	09/10/17 1,626	conversion and extension of roof space	17/00800/FUL				Flat conversion approved 03/04/18, conditions requiring removal of balcony, canopy, french windows appealed, but dismissed 18/12/18. Not complied with conditions. BCN served - see separate entry.	<input type="checkbox"/> 19/12/18	Ha

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Section 215 Amenity Notice

Total currently Authorised: 2 Authorised to Issue Average: days

Highfield Road	80	05/10/20 534	Removal of debris and waste					Update report 15/02/21. Working with occupier and representative with view to progress without formal action.	<input type="checkbox"/> 15/02/21	SH
Tapton Terrace	26	05/10/20 534	removal of Heras fencing and erection of new boundary fence, removal of vans, debris and waste					Update report 15/02/21. Progressing without formal action.	<input type="checkbox"/> 15/02/21	SL

Address	Authorised <i>days from</i>	Breach	CHE/	Issued <i>days to issue</i>	Effective <i>days to (-) /from</i>	Comply <i>days to (-) /from</i>	Notes	update <i>last update</i>	Ward
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Action authorised by Committee except Breach of Condition, Planning Contravention, Section 215 Notices, Advertisement Discontinuance, prosecutions and urgent action which are authorised by officers

Key to Ward abbreviations: BNW Barrow Hill and New Whittington • BN Brimington North • BS Brimington South • B Brockwell • D Dunston • Ha Hasland • Hb Holmebrook • HI Hollingwood and Inkersall • L Linacre • LG Loundsley Green • LW Lowgates and Woodthorpe • MP Middlecroft and Poolsbrook • Mo Moor • N Newbold • OW Old Whittington • R Rother • SH St Helens • SL St Leonards • Wa Walton • We West

*SJP - single justice procedure: prosecutions dealt with by the Magistrates Court on paper without a hearing in open court
CV-19 - coronavirus implications for enforcement or compliance*